

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

FRENZETTA WILSON and RONNIE
DICKERSON, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

SANTANDER CONSUMER USA, INC.,

Defendant.

CASE NO.: 4:20-cv-00152-KGB

**DECLARATION OF JAMES L.
KAUFFMAN**

I, James L. Kauffman, declare:

1. I am a partner at Bailey & Glasser LLP, and I am admitted to practice before this Court as counsel of record for Plaintiffs and the Settlement Class in this case. I have personal knowledge of all the facts set forth in this Declaration unless otherwise stated, and I am competent to testify to these facts if called on to do so.

BAILEY & GLASSER LLP

2. Bailey & Glasser LLP was founded in 1999 and has an established reputation for successfully prosecuting and defending multimillion dollar cases, including complex class actions. With seventeen offices across the country from Boston, MA to Oakland, CA, our lawyers routinely handle high-stake litigation and other lawyers call upon our firm routinely because of our unique blend of resources and trial experience.

3. My firm, Bailey & Glasser, has years of experience litigating class actions, including consumer financial class actions, ERISA, and securities cases and has obtained millions of dollars in restitution and debt forgiveness for consumers by successfully asserting state and federal consumer credit law claims on their behalf. A partial listing of those cases

includes the following:

- *Krakauer v. Dish Network, L.L.C.*, Case No. 1:14-cv-00333 (M.D. N.C.) (\$20.5 million jury verdict in a class action trial against Dish Network, alleging Dish was liable for more than 51,000 telemarketing calls placed by a defunct DISH dealer to persons whose telephone numbers were on the National Do Not Call Registry).
- *Tadepalli v. Uber Technologies, Inc.*, Case 3:15-cv-04348 (N.D. Cal.) (100% refunds made in class action settlement for California Uber riders charged approximately \$2.2 million in “airport fee tolls” which Uber did not pay to California airports).
- *Wieland v. Bring Care Home, Inc.*, C.A. No. ESCV2013-01380 (Essex County, Mass.) (class action settlement for failure to pay all hours worked).
- *Thomas v. Home Credit Corp., Inc.*, 11-CVS-1116 (Vance County, N.C.) (class action settlement in favor of state-wide class of borrowers denied consumer rights disclosures).
- *Desai v. Charvat*, Civil Action No. 1:11-cv-1925 (N.D. Ill.) (\$15 million TCPA class settlement).
- *Roberts v. Walgreen Co., et al.*, Civil Action No. 12-C-337 (Circuit Court of Mercer County, West Virginia) (wage payment class settlement).
- *Glover v. Bank of America, N.A.*, C.A. No. 13-40042-TSH (D. Mass.) (class action settlement for Massachusetts borrowers regarding late fees).
- *Powers v. Santander Consumer USA, Inc.*, Civil Action No. 12-cv-11932-TSH (D. Mass.) (consumer class action resulting in the establishment of a \$750,000 settlement fund and \$20 million in debt relief).
- *Pirillo v. PNC Mortgage Corp.*, Civil Action No. 11-C-751 (Circuit Court of Monongalia County, West Virginia) (consumer class action settlement).
- *Ross v. CitiFinancial Auto Ltd.*, Case No. 12-1173-TJC (M.D. Fla.) (class action settlement in favor of state-wide class of borrowers denied consumer rights disclosures).
- *Morris v. Merck Sharp & Dahme Corp.*, Civil Action No. 3:11-cv-00882 (S.D. W. Va.) (wage payment class action settlement totaling \$750,000).
- *Hall v. Capital One Auto Fin., Inc.*, Case No. 08-1181 (N.D. Ohio) (\$37 million settlement on behalf of state-wide class of car owners sent allegedly flawed repossession notices).
- *Brailsford v. Jackson Hewitt, Inc.*, Case No. 06-00700 (N.D. Cal.) (\$672,000 settlement on behalf of class of California consumers).

- *Hardwick v. Rent-A-Center, Inc.*, Civil Action No. 3:06-0901 (S.D. W. Va.) (class action settlement worth more than \$5 million, alleging violations of state Consumer Goods Rental Protection Act).
- *Triplett v. NationStar Mortgage, LLC*, Civil Action No. 3:11-cv-238 (S.D. W. Va.) (loan servicing case settled for \$1.5 million).
- *Shonk v. SG Sales Co.*, Case No. 07-C-1800 (Circuit Court of Kanawha County, West Virginia) (\$2.4 million nationwide settlement of class action brought under the Telephone Consumer Protection Act).
- *Lowe v. Ford Motor Credit*, Case No. 99 CVF 15806 (Cuyahoga County, Ohio) (\$22 million settlement on behalf of state-wide class of car owners subject to flawed repossession practices).
- *Muhammad v. National City Mortgage, Inc.*, Case No. 2:07-cv-00423 (S.D. W. Va.) (\$700,000 settlement of West Virginia loan servicing class action alleging National City Bank charged late loan-payment fees in violation of state law).
- *Brailsford v. Jackson Hewitt*, Case No. C 06-00700 CW (N.D. Cal.) (class action against Jackson Hewitt, Inc. for class of California consumers who purchased the tax preparer's refund anticipation loan product, settled for \$672,000).
- *Dunlap v. Wells Fargo Financial West Virginia, Inc.*, Case No. 04-C-101 (Lincoln County, W. Va.) (predatory lending class action for over 100 West Virginia mortgage borrowers, settled for just over \$9 million, including more than \$4.9 million write down in mortgage balances, \$4.15 million in cash, and credit repair).
- *Cummins v. H & R Block, Inc.*, Case No. 03-C-134 (Kanawha County, W. Va.) (in a case litigated for five years in venues ranging from the West Virginia trial and appellate courts, to federal district courts in West Virginia and Illinois, to the United States Supreme Court, firm lawyers served as lead counsel in winning a \$62.5 million multistate class action settlement against H&R Block. The case involved first-impression claims relating to the application of West Virginia's credit-services organization statute to Block's refund anticipation loan product. Other firms across the country litigated cases against Block alleging similar claims, without success, for more than ten years. West Virginia's share of the settlement was \$32.5 million).
- *Malacky v. Huntington Nat'l Bank*, Case No. CV 03 491420 (Cuyahoga County, Ohio) (\$15 million settlement in favor of state-wide class of car owners sent flawed repossession notices).
- *Anderson v. Provident Bank*, Civil Action No. 04-C-199 (Circuit Court of Mercer County, West Virginia) (predatory mortgage lending class action settled for \$8.1 million on behalf of 140 class members).
- *Mey v. Herbalife Int'l, Inc.*, Civil Action No. 01-C-263 (Circuit Court of Ohio)

County, West Virginia) (\$7 million nationwide class action settlement alleging violations of the federal Telephone Consumer Protection Act).

- *Cooley v. F.N.B. Corp.*, Case No. 10010 of 2003, C.A. (Lawrence County, Penn.) (\$14 million settlement on behalf of state-wide class of car owners allegedly deprived of post-repossession disclosures).
- *Dillon v. Chase*, Civil Action No. 03-C-164-W (Circuit Court of Hancock County, West Virginia) (\$3.3 million consumer class action settlement).
- *In re Household Lending Litig.*, Case No. C 02-1240 CW (N.D. Cal.) (\$172 million settlement on behalf of nationwide class of home mortgage borrowers injured by predatory mortgage lending practices).
- *Curry v. Fairbanks Capital Corporation*, Case No. 03-10875-DPW (D. Mass.) (\$55 million settlement on behalf of nationwide class of borrowers subject to predatory loan servicing practices).
- *Deem v. Ames True Temper, Inc.*, Civil Action No. 6:10-cv-01339 (S.D. W. Va.) (\$405,000 class action settlement in an ERISA action).

EXPERIENCE

4. I am licensed and in good standing to practice law in the State of Florida, State of Arkansas, and District of Columbia. I have been a member of the Arkansas Bar since 2003 after I obtained my J.D. from the University of Florida Levin College of Law in December 2002. For more than 18 years, I have served as class and appellate counsel in a wide variety of cases including deceptive trade practices, securities fraud, ERISA, and consumer protection. I am a member of Public Justice, the Florida Bar Association, the Arkansas Bar Association, and the American Association of Justice (AAJ).

5. I was appointed as lead class counsel in one of the first filed class action lawsuits in the country to challenge Pay-to-Pay fees, *Montesi v. Seterus, Inc.*, Case No. 50-2015-CA-010910-XXXX-MB (Fla. Cir. Ct. Palm Beach Cty.). *Montesi* was heavily litigated and resulted in class certification over the defendant's opposition. It resulted in a \$1.75 million class settlement of Florida borrowers, which represented 35% of the amount collected by Seterus

during the class period.

6. Bailey Glasser is among a handful of law firms litigating cases involving Convenience Fees across the country and is in the forefront of that litigation.

7. I was appointed as class counsel by the district courts in other class actions involving Pay-to-Pay Fees, which obtained settlement that is either pending or approved: *Torliatt v. Ocwen Loan Servicing, LLC et. al*, No. 3:19-cv-04303-WHO (N.D. Cal.) (pending), *Caldwell v. Freedom Mortgage Corp.*, No. 3:19-cv-02193-N (N.D. Tex.) (approved); *Elbert v. Roundpoint Mortgage Servicing, Corp.*, No. 3:20-cv-00250-MMC (N.D. Cal.) (approved); *Fernandez v. Rushmore Loan Servicing*, Case No. 8:21-cv-00621-DOC (C.D. Cal.) (approved); *Lembeck v. Arvest Central Mortgage Co.*, No. 3:20-cv-03277-VC (N.D. Cal.) (approved); *Phillips v. Caliber Home Loans*, No. 0:19-cv-02711 (D. Minn.) (approved); *Pierce v. Statebridge Co.*, No.1:20-cv-117 (M.D.N.C.) (approved); *Silveira v. M&T Bank*, No. 2:19-cv-06958-ODW (C.D. Cal.) (approved); and *Alexander v. Carrington Mortgage Services, LLC*, Case No. 1:20-cv-2369-TEB (D. Md.) (pending).

8. I am currently representing proposed class representatives in several other class action cases in courts across the country challenging the legality of the collection of Pay-to-Pay from residential borrowers. See *McFadden v. Nationstar Mortgage Co. d/b/a Mr. Cooper*, No. 1:20-cv-00166-EGS (D.D.C.); *Desimone v. Select Portfolio Servicing, Inc.*, No. 1:20-cv-03837-PKC (E.D. N.Y.); *Williams v. PHH Mortgage Corp.*, No. 20-cv-04018 (S.D. Tex.); and *Williams v. Lakeview Loan Servicing, LLC et al.*, Case No 4:20cv-01900 (S.D. Tex.).

9. A firm resume for Bailey Glasser is attached as Exhibit A.

ATTORNEYS' TIME AND EXPENSES

10. Bailey & Glasser started working on this case in 2020 when the original complaint in this matter was filed. BG investigated the facts and legal claims asserted in this

matter, as well as in another case filed against Santander in the Eastern District of California (*Price*) in 2019.

11. Class Counsel undertook the case on a contingent basis under an agreement with the Plaintiffs that Class Counsel would seek a percentage-based fee of up to one third of any recovery. Class Counsel have not received any compensation for their work to this point.

12. Bailey & Glasser attorneys and paralegals spent more than 111.6 hours litigating this action to date, preparing, researching, briefing, litigating, settling, and administering this case and the issues therein.

13. Attorneys and paralegals from Bailey & Glasser (“BG”) worked closely with our co-counsel Carney Bates and Pulliam (CPB) on this case. Work was divided relatively evenly between the firms to avoid duplication of efforts. On all cases, our firms endeavored to divide work based on which firm’s attorneys had the most experience in a given area. In addition, the reported time was adjusted in the exercise of billing judgment, omitting time spent that may have been duplicative, or non-essential.

14. Counsel’s efforts to date include, without limitation: pre-filing investigation; drafting and filing the complaints; drafting an opposition to Defendant’s motion to dismiss; preparing for and arguing the opposition to Defendant’s motion to remand, motion to dismiss, motion to stay discovery; preparing Initial Disclosures, Interrogatories and Requests for the Production of Documents; preparing various procedural filings; meeting-and-conferring with Defendant’s counsel regarding various case management matters; drafting a comprehensive mediation statement, and participating in an all-day mediation; negotiating and drafting the Settlement Agreement along with corresponding documents, including summary notice, and long-form notice; filing the motion for preliminary approval and supporting documents,

including a proposed preliminary approval order and a proposed final judgment; supervising the work of the Settlement Administrator; and preparing this motion and the motion for final approval and supporting documentation.

15. In addition, Class Counsel's efforts will also include: continued correspondence with Settlement Class Members and supervision of the work of the Settlement Administrator; researching and drafting a reply memorandum to this motion, if any; opposing objections, if any; and preparing for, and attending the hearing on the motion for final approval; attending to miscellaneous case management responsibilities, including any status reports that this Court may order.

16. Class Counsel estimates that approximately 40 hours of work will be required to see this matter to completion, and that number assumes that no objections will be filed.

17. Plaintiff's lodestar does not include activities by Class Counsel in other similar pay-to-pay litigation against other servicers, which enabled Class Counsel to gain expertise and oversee developments in the case law more efficiently.

18. Even after the Settlement was reached between the parties, Class Counsel devoted significant hours to finalize the Settlement Agreement and all related settlement documents.

19. Time records were kept contemporaneously. For each task performed, staff accounted for their time in 1/10th of an hour (6-minute) increments or shorter and included a brief narrative description of the work performed. Staff did not "block bill."

20. Our time records were reviewed for duplicative or erroneous entries, and timekeepers who logged less than 5 hours were removed.

21. Class Counsel has expended time and resources to move this case along expeditiously.

22. Discovery included extensive data relevant to the size of the class and the aggregate amount of Convenience Fees paid to Defendant by class members during the relevant period. The Settlement was only reached after hard-fought litigation and protracted negotiations conducted by informed, experienced counsel on both sides who were thoroughly familiar with the factual and legal issues. Class Counsel and counsel for Defendant each vigorously advanced their respective claims and defenses.

23. Class Counsel's work in this case led to an excellent result for the Settlement Class.

24. Each member of the Settlement Class who does not opt out will receive their pro rata share of the \$800,000 Settlement Fund, as well as the benefit of the non-monetary injunctive relief. The amount recovered represents 22% of the Convenience Fees paid by Settlement Class Members during the Class Period.

25. In my opinion, the time expended, and expenses incurred in prosecuting this action were reasonable and necessary for the diligent litigation and fair resolution of this matter. The work Class Counsel performed and the results they achieved in this litigation reflect their skill and experience in this field and in complex class litigation. The lodestar reflected in the above extract does not include all of the time to be devoted to preparing for and appearing at the final approval hearing or dealing with post-hearing matters.

26. I anticipate that Class Counsel will devote substantial additional time to this case after the date of this Declaration, including: (1) finalizing this application; (2) preparing for and attending the final approval hearing; (3) monitoring the distribution process; corresponding with the Settlement Administrator; (4) ensuring compliance with the injunctive relief; and (6) responding to Class Member inquiries.

27. Bailey Glasser also incurred \$601.80 in unreimbursed case-related expenses. These expenses do not include any legal research, copying or postage costs, which were expenses incurred by Class Counsel but are not sought to be reimbursed. An itemized list of Bailey & Glasser LLP's expenses is as follows:

Expense	Amount
Travel for Mediation	\$601.80
TOTAL	\$601.80

28. Ms. Wilson and Mr. Dickerson actively participated in this action for two years. They assisted in Class Counsel's investigation, conferred with Counsel on settlement discussions, and were ready and willing to testify at trial.

29. I declare under penalty of perjury under the laws of Arkansas that the foregoing is true and correct.

Executed this 11th day of August 2022 in Washington D.C.

/s/ James L. Kauffman
James L. Kauffman

EXHIBIT A

FIRM RESUME

Bailey & Glasser brings a trial-focused litigation approach to its wide-ranging and successful class action and mass torts practice. The firm has the resources, experience and expertise to go toe-to-toe with some of the wealthiest corporations in the world. We litigate class action cases involving predatory mortgage lending, illegal loan servicing, antitrust violations, breaches of warranty, employee rights, mismanaged pension funds, ERISA, and a host of other consumer and employee matters.

The firm concentrates its litigation practice in the areas of complex commercial mass torts and class action litigation. The firm currently represents among others the States of Florida, Montana, Ohio, Oklahoma, and West Virginia, individual consumers, and retirement plan investors throughout the United States. The firm has substantial experience in successfully prosecuting multi-million dollar cases, including complex class actions and mass torts.

Our lawyers are equally comfortable and adept in the role of plaintiff or defendant. We bring a trial-focused approach to litigation to vigorously protect the interests of clients. We represent government and businesses, as well as individual plaintiffs and defendants, and lawyers throughout the country call upon the firm to access our unique blend of resources and trial experience.

The firm concentrates its practice in the areas of complex commercial and class action litigation, with a particular emphasis in energy and finance. We currently represent individual and classes of consumers, and a variety of corporate entities throughout the United States. The firm has substantial experience in successfully prosecuting and defending multimillion-dollar cases, including complex class actions.

BAILEY GLASSER'S REPRESENTATIVE CASES

Loan Servicing and Lending Class Action Representation:

- *Montesi v. Seterus, Inc.*, Case No. 50-2015-CA-010910-XXXX-MB (Fla. Cir. Ct. Palm Beach Cty.) (final approval of class settlement of Florida borrowers who paid Pay-to-Pay fees for \$1.75 million).
- *In re Household Lending Litig.*, Case No. C 02-1240 CW (N.D. Cal.) (\$172 million settlement on behalf of nationwide class of home mortgage borrowers injured by predatory mortgage lending practices).
- *Bacardi v. Select Portfolio Servicing, Inc.*, Case No. 1:16-cv-23381-RNS (class counsel for settlement of case involving loan servicer's improper reinstatement quotes, resulting in \$380,000 recovery for borrowers). *Blake v. Seterus, Inc.*, Case No. 16-cv-21225-JLK (S.D. Fla. (2018 class action settlement of case involving loan servicer's improper reinstatement quotes, resulting in \$527,000 recovery for borrowers).
- *Paneque v. Bank of America, N.A.*, Case No. 1:16-cv-21212-DPG (S.D. Fla.) (2018 class action settlement of case involving challenge to reinstatement quotes, resulting in \$625,000 recovery for borrowers).
- *Shore v. JP Morgan Chase Bank, N.A., et al.*, Case No. 16-cv-60125-JIC (S.D. Fla.) (\$400,000 recovery for borrowers as a result of reinstatement quotes).
- *Pirillo v. PNC Mortgage Corp.*, Civil Action No. 11-C-751 (Circuit Court of Monongalia County, West Virginia) (consumer class action settlement).
- *Triplett v. NationStar Mortgage, LLC*, Civil Action No. 3:11-cv-238 (S.D. W. Va.) (loan servicing case settled for \$1.5 million).
- *Muhammad v. National City Mortgage, Inc.*, Case No. 2:07-cv-00423 (S.D. W. Va.) (\$700,000 settlement of West Virginia loan servicing class action alleging National City Bank charged late loan-payment fees in violation of state law).
- *Dunlap v. Wells Fargo Financial West Virginia, Inc.*, Case No. 04-C-101 (Lincoln County, W. Va.) (predatory lending class action for over 100 West Virginia mortgage borrowers, settled for just over \$9 million, including more than \$4.9 million write down in mortgage balances, \$4.15 million in cash, and credit repair).
- *Anderson v. Provident Bank*, Civil Action No. 04-C-199 (Circuit Court of Mercer County, West Virginia) (predatory mortgage lending class action settled for \$8.1 million on behalf of 140 class members).
- *Curry v. Fairbanks Capital Corporation*, Case No. 03-10875-DPW (D. Mass.) (\$55 million settlement on behalf of nationwide class of borrowers subject to predatory loan servicing practices).

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Other Class Action Representation:

- Jessop v. Bankers Trust Company, et al., Case No. 2:14-cv-00916 (D. Utah) (\$19.8 million settlement recovery in 2017 on behalf of employee stock ownership plan participants for ERISA claims).
- Krakauer v. Dish Network, L.L.C., Case No. 1:14-cv-00333 (M.D. N.C.) (\$20.5 million jury verdict in a class action trial against Dish Network, alleging Dish was liable for more than 51,000 telemarketing calls placed by a defunct DISH dealer to persons whose telephone numbers were on the National Do Not Call Registry).
- Cummins v. H & R Block, Inc., Case No. 03-C-134 (Kanawha County, W. Va.) (in a case litigated for five years in venues ranging from the West Virginia trial and appellate courts, to federal district courts in West Virginia and Illinois, to the United States Supreme Court, firm lawyers served as lead counsel in winning a \$62.5 million multistate class action settlement against H&R Block. The case involved first-impression claims relating to the application of West Virginia's credit-services organization statute to Block's refund anticipation loan product. Other firms across the country litigated cases against Block alleging similar claims, without success, for more than ten years. West Virginia's share of the settlement was \$32.5 million).
- Tadeballi v. Uber Technologies, Inc., Case 3:15-cv-04348 (N.D. Cal.) (100% refunds made in class action settlement for California Uber riders charged approximately \$2.2 million in "airport fee tolls" which Uber did not pay to California airports).
- Navelski v. International Paper Company, Case No. Case No. 3:14-cv-445 MCR/CJK (N.D. Fla.) (certified class on behalf of homeowners of 317 homes in a neighborhood alleged to be flooded by Defendant's dam breaking).
- Wieland v. Bring Care Home, Inc., C.A. No. ESCV2013-01380 (Essex County, Mass.) (class action settlement for failure to pay all hours worked).
- Thomas v. Home Credit Corp., Inc., 11-CVS-1116 (Vance County, N.C.) (class action settlement in favor of state-wide class of borrowers denied consumer rights disclosures).
- Desai v. Charvat, Civil Action No. 1:11-cv-1925 (N.D. Ill.) (\$15 million TCPA class settlement).
- Roberts v. Walgreen Co., et al., Civil Action No. 12-C-337 (Circuit Court of Mercer County, West Virginia) (wage payment class settlement).
- Glover v. Bank of America, N.A., C.A. No. 13-40042-TSH (D. Mass.) (class action settlement for Massachusetts borrowers regarding late fees).
- Powers v. Santander Consumer USA, Inc., Civil Action No. 12-cv-11932-TSH (D. Mass.) (consumer class action resulting in the establishment of a \$750,000 settlement fund and \$20 million in debt relief).

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- Morris v. Merck Sharp & Dahme Corp., Civil Action No. 3:11-cv-00882 (S.D. W. Va.) (wage payment class action settlement totaling \$750,000).
- Hall v. Capital One Auto Fin., Inc., Case No. 08-1181 (N.D. Ohio) (\$37 million settlement on behalf of state-wide class of car owners sent allegedly flawed repossession notices).
- Brailsford v. Jackson Hewitt, Inc., Case No. 06-00700 (N.D. Cal.) (\$672,000 settlement on behalf of class of California consumers).
- Hardwick v. Rent-A-Center, Inc., Civil Action No. 3:06-0901 (S.D. W. Va.) (class action settlement worth more than \$5 million, alleging violations of state Consumer Goods Rental Protection Act).
- Shonk v. SG Sales Co., Case No. 07-C-1800 (Circuit Court of Kanawha County, West Virginia) (\$2.4 million nationwide settlement of class action brought under the Telephone Consumer Protection Act).
- Lowe v. Ford Motor Credit, Case No. 99 CVF 15806 (Cuyahoga County, Ohio) (\$22 million settlement on behalf of state-wide class of car owners subject to flawed repossession practices).
- Brailsford v. Jackson Hewitt, Case No. C 06-00700 CW (N.D. Cal.) (class action against Jackson Hewitt, Inc. for class of California consumers who purchased the tax preparer's refund anticipation loan product, settled for \$672,000).
- Malacky v. Huntington Nat'l Bank, Case No. CV 03 491420 (Cuyahoga County, Ohio) (\$15 million settlement in favor of state-wide class of car owners sent flawed repossession notices).
- Mey v. Herbalife Int'l, Inc., Civil Action No. 01-C-263 (Circuit Court of Ohio County, West Virginia) (\$7 million nationwide class action settlement alleging violations of the federal Telephone Consumer Protection Act).
- Cooley v. F.N.B. Corp., Case No. 10010 of 2003, C.A. (Lawrence County, Penn.) (\$14 million settlement on behalf of state-wide class of car owners allegedly deprived of post-repossession disclosures).
- Dillon v. Chase, Civil Action No. 03-C-164-W (Circuit Court of Hancock County, West Virginia) (\$3.3 million consumer class action settlement).
- Deem v. Ames True Temper, Inc., Civil Action No. 6:10-cv-01339 (S.D. W. Va.) (\$405,000 class action settlement in an ERISA action).

BAILEY GLASSER LLP



Partner

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jkauffman@baileyglasser.com

James L. Kauffman concentrates his practice on complex business litigation and class actions specifically in the areas of consumer protection, business litigation, and securities. James has represented consumers, investors, state attorneys general, municipalities, and whistleblowers in a wide variety of disputes in both court and arbitration forums across the country.

Notably, James represented shareholders in one of the largest securities litigation matters in history, *In re Initial Public Offerings Security Litigation* (21 MC 92) (SDNY), a case that involved 309 tech-bubble IPOs and 55 investment brokerage defendants and recovered \$586 million.

James regularly speaks at business tort seminars across the country and also on nationally syndicated radio and television shows. He covers topics such as financial industry regulation, consumer fraud, ERISA, and whistleblower protection.

He is also actively involved in the community and provides pro bono legal services to Laugh for Sight, a non-profit organization that raises money for eye disease research through comedy benefits in Los Angeles and New York City.

Government Service / Previous Employment

Financial Advisor, Morgan Stanley (1999)

Practice Areas

Arbitration & Dispute Resolution

Business & Finance

Class Actions

Commercial Litigation

Consumer Litigation

ERISA, Employee Benefits & Trust Litigation

BAILEY GLASSER

Education

J.D., University of Florida Fredric G. Levin College of Law, 2002, *cum laude*

B.S.B.A., University of Florida, 1998

Admissions

District of Columbia

Florida

Arkansas

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Eleventh Circuit

US District Court, Northern District of Florida

US District Court, Southern District of Florida

US District Court, Middle District of Florida

US District Court, Eastern District of Arkansas

US District Court, Western District of Arkansas

US District Court, Eastern District of Michigan

Representative Matters

- Obtained \$19.8 million recovery of employees' retirement benefits from trustee and individual officers of a closely held private company.
- Represented a borrower challenging estimated attorney's fees tacked onto his mortgage loan in *Prescott v. Seterus*, a case that involved two separate appeals to the US Court of Appeals for the Eleventh Circuit; work resulted in two significant appellate opinions that strengthened nationwide consumer debt collection law and led to industry-wide reform, and this precedent paved the way for several recoveries for borrowers from their banks or loan servicers where James served as class counsel.
- Obtained \$586 million recovery for shareholders against 309 IPO companies and 55 investment banks in one of the largest securities fraud litigations in history.
- Obtained \$20 million recovery for shareholders against semiconductor supplier company in connection with the backdating of employee stock option grants.
- Represented shareholders against certain officers and directors who participated in a massive Medicare fraud. Resulted in significant corporate reforms and removal of CEO, CFO and General Counsel.

BAILEY GLASSER LLP



Partner
Elizabeth Ryan

Massachusetts
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Boston, MA 02110
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eryan@baileyglasser.com

Elizabeth Ryan concentrates her practice on class actions, representing consumers challenging unfair lending practices and violations of state and federal consumer protection statutes, as well as employees challenging violations of wage and hour laws. Elizabeth also represents whistleblowers in False Claims Act cases involving fraud against the government.

Throughout her career, she has focused on protecting the rights of those victimized by unfair business and employment practices.

Elizabeth also serves as the Diversity Partner for the firm.

Clerkships

Law Clerk, Hon. Nan R. Huhn, DC Superior Court, 1986

Practice Areas

Consumer Litigation

Labor & Employment

Telephone Consumer Protection Act (TCPA)

Education

J.D., The Catholic University of America Columbus School of Law, 1985

B.A., College of the Holy Cross, 1981

Admissions

Massachusetts

US Court of Appeals for the First Circuit

US Court of Appeals for the Fourth Circuit

BAILEY GLASSER

US District Court, District of Massachusetts

Representative Matters

- Represented a class of borrowers challenging repossession notices in *Williams v. American Honda*, a case that involved appeals to the US Court of Appeals for the First Circuit and the Massachusetts Supreme Judicial Court; resulted in a reported decision confirming that lenders must give borrowers accurate information about their potential deficiency liability.
- Represented multiple classes of home health care workers who were not paid for their required travel time to go to patients' homes, resulting in settlements that returned hundreds of thousands of dollars in unpaid wages.
- Represented a class of purchasers of a generic vitamin supplement who alleged the supplement's label falsely claimed it was effective in slowing the progression of age-related macular degeneration, resulting in nationwide settlement.

Community and Professional Activities

National Association of Consumer Advocates

Women's Bar Association

Volunteer Lawyers Project

Public Justice