

**SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY**

FREDERICK MCKINLEY and
LISA VIZCARRA, individually and on behalf of
all others similarly situated,

Plaintiffs,

- against -

CONOPCO INC.
and UNILEVER UNITED STATES, INC.,

Index No. 805260/2024E

**Affirmation of Co-Lead Class Counsel
in Support of Plaintiffs' Motion for
Final Certification of the Settlement Class;
Final Approval of the Class Action Settlement;
Payment of Attorney Fees and Reimbursement of Expenses to Class Counsel;
and, Payment of Services Awards to the Class Representatives**

We, Michael R. Reese, Sue J. Nam and Spencer Sheehan, under penalty of perjury, hereby affirm as follows:

1. Michael R. Reese and Sue J. Nam are partners at Reese LLP, counsel representing Plaintiff Frederick McKinley and Lisa Vizcarra (together, “Plaintiffs”) in this litigation. We are both members in good standing of the bar of the state of New York, as well as the state bar of California and numerous federal courts. We are two of the Class Counsel¹ in the above-captioned action.

2. Spencer Sheehan is the founding and managing partner at Sheehan & Associates, P.C., which is one of the court-appointed Class Counsel in this matter. I am a member in good standing of the bar of the United States District Court for the Eastern District of New York and numerous other federal district and appellate courts, as well as the state bars of New York and Illinois.

3. We respectfully submit this declaration in support of Plaintiffs’ Motion for Final Certification of the Settlement Class; Final Approval of the Settlement Class; Payment of Attorney Fees and Reimbursement of Expenses to Class Counsel; and Payment of Service Awards to the Class Representatives. Except as otherwise noted, the facts set forth in this affirmation are based in part upon our personal knowledge, and we would competently testify to them if called upon to do so.

4. Class Counsel have been responsible for the prosecution of this Action and for the negotiation of the Settlement Agreement. We have vigorously represented the interests of the Settlement Class Members throughout the course of the Litigation and settlement negotiations.

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Settlement Agreement, which is submitted herewith.

5. The first case that was filed in the Litigation was *Vizcarra v. Unilever United States, Inc.*, case no. 4:20-cv-92777 (N.D. Cal.) (“*Vizcarra*”), which was filed on April 21, 2020 in California federal court on behalf of a proposed class of California consumers. In *Vizcarra*, the Parties engaged in significant motion practice, including a motion to dismiss and two motions for class certification. The Parties also engaged in significant discovery, including document production, interrogatories, and the taking of depositions of both factual and expert witnesses.

6. The above-captioned action – *McKinley v. Conopco Inc.*, Index 805260/2024E (Sup Ct, Bronx County) (“*McKinley*”) – was filed on March 29, 2024, then amended on June 26, 2024. *McKinley*, as amended, names Frederick McKinley and Lisa Vizcarra as the plaintiffs; names Conopco Inc. and Unilever United States, Inc. as the defendants; and, given Conopco’s ties to New York, proposes a nationwide class.

7. The Litigation has been hotly contested and heavily litigated. There has been extensive motion practice, including a motion to dismiss and two motions for class certification. There has also been significant factual discovery, including the production of documents; responses to interrogatories; responses to requests for admissions, and depositions of fact witnesses. There has also been extensive expert discovery, including the production of expert reports and the depositions of experts.

8. However, after two sessions with a private mediator and numerous post-mediation discussions, the Parties were able to reach the terms of settlement that are stated in the Settlement Agreement. Specifically, the Parties mediated on two occasions with Peter Woodin of JAMS New York. The first mediation session was on August 17, 2023, and the second mediation session was on January 17, 2024. During the mediations, Class Counsel worked closely with an expert to determine the price premium damages of Class Members. With the assistance of the mediator, the

Parties were able to reach a settlement in principle then continued to work throughout the following months to negotiate all of the terms of the settlement, eventually culminating in the Settlement Agreement. After reaching the Settlement, Class Counsel prepare the settlement papers as well as the motion for preliminary approval, which was granted by this Court on August 14, 2024. Additionally, in connection with the Settlement, Class Counsel has responded to inquires from numerous Class Members and coordinated the settlement process with the Claims Administrator. Class Counsel will also expend additional time preparing for the final approval hearing as well as continued worked administering the Settlement after final approval.

9. Plaintiffs' objective in filing the Actions was to compensate Settlement Class Members damaged by the alleged misrepresentations and to require reformulation of the Product so that consumers' expectations that all the vanilla flavor comes from the vanilla plant were met. Both of these goals have been achieved. Through the Litigation and the Settlement Agreement, Plaintiffs achieved substantial relief for the Settlement Class. The Settlement makes available \$8,850,000 to pay (1) Class Members who make valid claims; (2) the costs of notice and administration, (3) Class Counsel' attorney fees and litigation expenses; and (4) payment of Service Awards to the two Class Representatives. Per the Settlement, each Settlement Class Member will receive \$1 per Product purchased up to eight (8) claims without proof of purchase and \$1 per Product purchased with no limitation on the number of claims with proof of purchase.

10. As alleged the First Amend Complaint, Defendants charge a price premium of approximately \$1.00 per unit of the most popular size of the Product based upon the Representations at issue here. For example, a 1.5 quart container of Breyers Natural Vanilla Ice Cream costs \$4.67 (or \$3.11 per quart) at Walmart. In comparison, a 1.44 quart of Turkey Hill ice cream that discloses on the front of the packaging that it contains natural and artificial flavoring

costs \$3.52 (or \$2.45 per quart) at Walmart. At a premium of 66 cents per quart (\$3.11 - \$2.45 = 66 cents), Breyers commands a premium of 99 cents for its 1.5 quart container. Accordingly, consumers are getting slightly more through the Settlement than what they would have achieved if they had gone to trial and had won.

11. The Settlement also requires Defendants to reformulate the Product so that all the vanilla flavor comes exclusively from the vanilla plant. Thus, the Settlement is an outstanding result for Plaintiffs and the members of the Settlement Class. Class Counsel believe this Settlement provides significant relief to the Settlement Class Members and this Settlement is fair, reasonable, adequate, and in the best interests of the Settlement Class. The Settlement has the full support of Class Counsel.

12. Class Counsel have worked steadfastly to reach a fair, reasonable, and adequate Settlement. Plaintiffs and Class Counsel believe the claims the Settlement resolves are strong and have merit, but they also acknowledge the inherent risks of continuing with the Litigation, and have taken those risks into account in negotiating the Settlement. Plaintiffs and Class Counsel conducted a thorough investigation and evaluation of the claims and defenses prior to filing the Actions - including, but not limited to working with experts in the drafting of the initial complaints - and continued to analyze the claims throughout the pendency of the cases. Prior to agreeing to the Settlement, Class Counsel conducted extensive discovery, including interrogatories, requests for admissions, and document requests. Additionally, in the process of investigating and litigating the Actions, Class Counsel conducted significant research on the consumer protection statutes at issue, as well as the overall legal landscape, to determine the likelihood of success and reasonable parameters under which courts have approved settlements in comparable cases. Through this investigation, discovery, and ongoing analysis, Class Counsel obtained an understanding of the

strengths and weaknesses of the Actions. They thus understand that significant expense and uncertainties are associated with continuing to prosecute the claims through trial and any appeals.

13. Defendants continue to deny all of Plaintiffs' allegations and made clear that they will vigorously defend themselves at every step should the Litigation proceed, including challenging class certification, challenging Plaintiffs' expert testimony, and appealing any adverse decisions. The Litigation would likely require further motion practice, further costly nationwide discovery, including multiple depositions, expert reports, and trial. Further litigation presents significant additional costs with no guarantee for recovery, let alone a recovery greater than the recovery for which the Settlement provides.

14. Thus, the relief that the Settlement Agreement provides is well within the range of reasonableness. The gravamen of the Actions is that Defendants are deceiving consumers by misrepresenting the vanilla plant as the exclusive source of the vanilla flavor in its Products and that Defendants are able to overcharge consumers a price premium of 99 cents per unit of the most popular size of the Product. The cash compensation to which eligible Settlement Class Members will be entitled goes a significant way toward compensating Settlement Class Members for the damages they incurred on account of Defendants' allegedly deceptive representations about the Product.

15. Class Counsel are qualified, experienced, and able to conduct the litigation. Class Counsel have substantial experience litigating class actions and negotiating class settlements. They have qualified as lead counsel in other class actions and have a proven record of successful prosecution of significant class actions. For example, Reese LLP and Sheehan and Associates, P.C. have previously been court-appointed co-lead counsel in the food related class actions of *Sharpe v. A&W Concentrate Company et al.*, No. 1:19-cv-00768 (E.D.N.Y.) and *Cicciarella v.*

Califia Farms, LLC, No. 7:19-cv-08785-CS (S.D.N.Y.) – cases that involve consumer deception regarding the source of vanilla flavoring in food products. Attached hereto as **Exhibit 1** is a true and correct copy of the firm resume of Reese LLP. Attached hereto as **Exhibit 2** is a true and correct copy of the firm resume of Sheehan & Associates, P.C. In sum, Class Counsel’s extensive experience was directly responsible for this exceptional settlement. Defense counsel also has extensive experience and success defending class actions.

16. Class Counsel are not representing clients with interests at odds with the interests of the Settlement Class Members and are not acting as class representatives. Additionally, the named Plaintiffs possess the same interests as the proposed Settlement Class Members because Plaintiffs and the Settlement Class Members were all allegedly injured in the same manner based on their purchase of the Product. Accordingly, the named Plaintiffs’ claims are not adverse to other Class Members; to the contrary, the named Plaintiffs’ claims are aligned with that of other Class Members.

17. From inception through today, the attorneys of Reese LLP and Sheehan & Associates, P.C. have spent 2,652.3 hours for a lodestar of \$3,705,205 on this Litigation. Moreover, Class Counsel has litigated this matter completely on a contingency basis for over four years, having not been paid anything to date for their considerable time and efforts.

18. Reese LLP hours and billing rates are set forth below:

<u>TIMEKEEPER</u>	<u>POSITION</u>	<u>HOURS</u>	<u>RATE/HOUR</u>	<u>TOTAL</u>
Michael R. Reese	Founder and Managing Partner	793.3	\$1600	\$1,269,280
Sue J. Nam	Senior Partner	867.5	\$1600	\$1,388,000
Kate J. Stoia	Of Counsel	265	\$1350	\$357,750
TOTAL		1,925.8		\$3,015,030

19. The hourly rates for the partners and other attorneys at Reese LLP are the same as the regular current rates that have accepted by courts in other class litigation.

20. Sheehan & Associates, P.C. hours and billing rates are set forth below:

<u>TIMEKEEPER</u>	<u>POSITION</u>	<u>HOURS</u>	<u>RATE/HOUR</u>	<u>TOTAL</u>
Spencer Sheehan	Founder and Managing Partner	726.50	\$950	\$690,175
TOTAL		726.50		\$690,175

21. The hourly rates for the partners and other attorneys at Sheehan & Associates, P.C. are the same as the regular current rates that have been approved by courts in other class litigation.

22. Class Counsel also incurred significant expenses in this matter. The chart below provides a breakdown of the costs:

<u>EXPLANATION</u>	<u>AMOUNT</u>
Filing and Other Court Fees	\$1,807.08
Printing and Courtesy Copies	\$433.22
Experts Costs	\$173,183.69
Deposition Costs	\$5,872.90
Mediation Costs	\$16,125
E-Discovery Hosting Costs	\$3,533.09
TOTAL	\$200,954.98

23. Based on our extensive, collective experience, we believe the Settlement to be an outstanding outcome for consumers, and we believe the Settlement is fair, reasonable, and adequate under CPLR. We have achieved significant monetary results on behalf of the Class as well as significant injunctive relief in that Defendants are required to reformulate the Product so that all of the vanilla flavoring comes from the vanilla plant.

We respectively affirm under penalty of perjury under the laws of the State of New York and of the United States of America that the foregoing is true and correct.

Executed on October 22, 2024.

/s/Michael R. Reese
Michael R. Reese

/s/Sue J. Nam
Sue J. Nam

/s/Spencer Sheehan
Spencer Sheehan

EXHIBIT 1

REESE LLP

Reese LLP represents consumers in a wide array of class action litigation throughout the nation. The attorneys of Reese LLP are skilled litigators with years of experience in federal and state courts. Reese LLP is based in New York, New York with offices also in California and Minnesota.

Recent and current cases litigated by the attorneys of Reese LLP on behalf of consumers include the following:

In re Fairlife Milk Products Marketing and Sales Practices Litig., case no. 1:19-cv-03924 (N.D. Illinois)(case involving milk products allegedly mislabeled); *In re Hill's Pet Nutrition, Inc. Dog Food Products Liability Litig.*, case no. 19-md-2887-JAR-TT (D. Kansas)(case involving contaminated pet food); *Hasemann v. Gerber Products Co.*, case no. 15-cv-02995-MKB-RER (E.D.N.Y.)(case involving misrepresentation of health benefits of baby formula in violation of New York consumer protection laws); *Worth v. CVS Pharmacy, Inc.*, case no. 16-cv-00498 (E.D.N.Y.)(class action for alleged misrepresentations regarding health benefits of dietary supplement); *Roper v. Big Heart Pet Brands, Inc.*, case no. 19-cv-00406-DAD (E.D. Cal.)(class action regarding pet food); *Ackerman v. The Coca-Cola Co.*, 09-CV-0395 (JG) (RML) (E.D.N.Y.)(class action for violation of California and New York's consumer protection laws pertaining to health beverages); *Rapaport-Hecht v. Seventh Generation, Inc.*, 14-cv-9087-KMK (S.D.N.Y.)(class action for violation of California and New York's consumer protection laws pertaining to personal care products); *Berkson v. GoGo, LLC*, 14-cv-1199-JWB-LW (E.D.N.Y.)(class action regarding improper automatic renewal clauses); *Chin v. RCN Corporation*, 08-cv-7349 RJS (S.D.N.Y.)(class action for violation of Virginia's consumer protection law by I.S.P. throttling consumers' use of internet); *Bodoin v. Impeccable L.L.C.*, Index No. 601801/08 (N.Y. Sup. Ct.)(individual action for conspiracy and fraud); *Huyer v. Wells Fargo & Co.*, 08-CV-507 (S.D. Iowa)(class action for violation of the RICO Act pertaining to mortgage related fees); *Murphy v. DirecTV, Inc.*, 07-CV-06545 FMC (C.D. Cal.)(class action for violation of California's consumer protection laws); *Bain v. Silver Point Capital Partnership LLP*, Index No. 114284/06 (N.Y. Sup. Ct.)(individual action for breach of contract and fraud); *Siemers v. Wells Fargo & Co.*, C-05-4518 WHA (N.D. Cal.)(class action for violation of § 10(b) of the Securities Exchange Act of 1934 pertaining to improper mutual fund fees); *Dover Capital Ltd. v. Galvex Estonia OU*, Index No. 113485/06 (N.Y. Sup. Ct.)(individual action for breach of contract involving an Eastern European steel company); *All-Star Carts and Vehicles Inc. v. BFI Canada Income Fund*, 08-CV-1816 LDW (E.D.N.Y.)(class action for violation of the Sherman Antitrust Act pertaining to waste hauling services for small businesses on Long Island); *Petlack v. S.C. Johnson & Son, Inc.*, 08-CV-00820 CNC (E.D. Wisconsin)(class action for violation of Wisconsin consumer protection law pertaining to environmental benefits of household cleaning products); *Wong v. Alacer Corp.*, (San Francisco Superior Court)(class action for violation of California's consumer protection laws pertaining to deceptive representations regarding health benefits of dietary supplement's ability to improve immune system); *Howerton v. Cargill, Inc.* (D. Hawaii)(class action for violation of various consumer protection laws regarding sugar substitute); *Yoo v. Wendy's International, Inc.*, 07-CV-04515 FMC (C.D. Cal.)(class action for violation of California's consumer protection laws pertaining to adverse health effects of partially hydrogenated oils in popular food products).

The Attorneys of Reese LLPMichael R. Reese

Mr. Reese is the founding and managing partner of Reese LLP where he litigates consumer protection class actions. Prior to entering private practice, Mr. Reese served as an assistant district attorney at the Manhattan District Attorney's Office where he served as a trial attorney prosecuting violent and white-collar crime.

Victories by Mr. Reese and his firm include a \$21 million class settlement in *In re Fairlife Milk Products Marketing and Sales Practices Litig.*, case no. 1:19-cv-03924-RMD (N.D. Illinois); a \$12.5 million dollar class settlement in *In re Hill's Pet Nutrition, Inc. Dog Food Products Liability Litig.*, case no. 19-md-2887-JAR-TT (D. Kansas) for pet owners who bought contaminated pet food; a \$6.1 million class action settlement in *Howerton v. Cargill, Inc.* (D. Hawaii) for consumers of Truvia branded sweetener; a \$6.4 million class action settlement in the matter of *Wong v. Alacer Corp.* (S.F. Superior Court) for consumers of Emergen-C branded dietary supplement; and, a \$25 million dollar settlement for mortgagees in *Huyer v. Wells Fargo & Co.* (S.D. Iowa).

Mr. Reese and his firm are frequently appointed as co-lead counsel in multi-district litigations, including, but not limited to *In re Fairlife Milk Products Marketing and Sales Practices Litig.*; case no. 1:19-cv-03924-RMD (N.D. Illinois); *In re Hill's Pet Nutrition, Inc. Dog Food Products Liability Litig.*, case no. 19-md-2887-JAR-TT (D. Kansas); *In re Vitaminwater Sales and Marketing Practices Litig.*, case no. 11-md-2215-DLI-RML (E.D.N.Y.); and, *In re Frito-Lay N.A. "All-Natural" Sales & Marketing Litig.*, case no. 12-md-02413-RRM-RLM (E.D.N.Y.).

Mr. Reese is a frequent lecturer and author on issues of class actions. Mr. Reese is the chairperson of an annual conference on class action litigation organized by the Litigation Series; presents on class action litigation at the annual conference of the Consumer Brands Association; and, presents regularly at the Union Internationale des Advocats Annual Congress, with the most recent presentation in Italy, Rome and other presentations in Porto, Portugal and Dakar, Senegal.

Recent articles on class actions appear in publications by the American Bar Association; the Union Internationale des Advocats; and the Illinois State Bar Association.

Mr. Reese is also an executive committee member of the Plaintiffs' Class Action Roundtable, where he lectures on an annual basis on issues related to class actions.

Mr. Reese is a member of the state bars of New York and California as well as numerous federal district and appellate courts. Mr. Reese received his juris doctorate from the University of Virginia in 1996 and his bachelor's degree from New College in 1993.

Sue J. Nam

Ms. Nam is based in New York where she focuses on consumer class actions. Ms. Nam also runs the appellate practice at the firm and has represented clients before the Second and Ninth Circuits, as well as The Court of Appeals in New York. Ms. Nam also specialized in copyright law and represents photographers and other visual artists who have had their copyright protected works infringed.

Prior to joining the firm, Ms. Nam was the General Counsel for NexCen Brands, Inc., a publicly traded company that owned a portfolio of consumer brands in food, fashion and homeware.

Previously, Ms. Nam was Intellectual Property Counsel and Assistant Corporate Secretary at Prudential Financial, Inc., and she was an associate specializing in intellectual property and litigation at the law firms of Brobeck Phleger & Harrison LLP in San Francisco, California and Gibson Dunn & Crutcher LLP in New York, New York.

Ms. Nam clerked for the Second Circuit prior to joining private practice.

Ms. Nam received her juris doctorate from Yale Law School in 1994. She received a bachelor's degree with distinction from Northwestern University in 1991.

Carlos F. Ramirez

Mr. Ramirez is an accomplished trial attorney based in New York, where he focuses his practice on the litigation of consumer class actions. Prior to entering private practice in 2001, Mr. Ramirez served as an Assistant District Attorney at the Manhattan District Attorney's Office where he served as a trial attorney prosecuting both violent and white-collar crimes.

Previous and current consumer fraud class actions litigated by Mr. Ramirez include *Hasemann v. Gerber Products Co.*, case no. 15-cv-02995-MKB-RER (E.D.N.Y.)(case involving misrepresentation of health benefits of baby formula in violation of New York consumer protection laws); *Coe v. General Mills, Inc.*, No. 15-cv-5112-TEH (N.D. Cal.) (involving false advertisement claims relating to the Cheerios Protein breakfast cereal); *In re Santa Fe Natural Tobacco Company Marketing & Sales Practices Litigation*, 16-md-2695-JB/LF (D.N.M.)(involving the deceptive marketing of cigarettes as "natural" and "additive free"); and, *Lamar v. The Coca-Cola Company, et al.*, No. 17-CA-4801 (D.C. Superior Ct.) (involving the deceptive marketing of sugar drinks as safe for health).

Mr. Ramirez is a member of the state bars of New York and New Jersey. He is also a member of the bars of the U.S. District Courts for the Eastern District of New York and Southern District of New York. Mr. Ramirez received his juris doctorate from the Fordham University School of Law in 1997 and his bachelor's degree from CUNY-Joh Jay College in 1994.

George V. Granade II

Mr. Granade is a partner at Reese LLP based in Los Angeles, California, where he focuses on consumer class actions. Cases Mr. Granade has worked on include: *Barron v. Snyder's-Lance, Inc.*, No. 0:13-cv-62496-JAL (S.D. Fla.); *In re: Frito-Lay North America, Inc. "All Natural" Litigation*, No. 1:12-md-02413-RRM-RLM (E.D.N.Y.) (involving "SunChips," "Tostitos," and "Bean Dip" products labeled as "natural" and allegedly containing genetically-modified organisms); and *Martin v. Cargill, Inc.*, No. 0:13-cv-02563-RHK-JJG (D. Minn.) (involving "Truvia" sweetener product labeled as "natural" and allegedly containing highly processed ingredients).

Mr. Granade received his juris doctorate from New York University School of Law in 2011. He received a master's degree from the University of Georgia at Athens in 2005 with distinction and a bachelor's degree from the University of Georgia at Athens in 2003, *magna cum laude* and with High Honors.

Mr. Granade is a member of the state bars of Georgia, New York, and California. He is also a member of the bar of the U.S. Courts of Appeals for the Second Circuit and Ninth Circuit, as well as the bars of the U.S. District Courts for the Eastern District of New York, Southern District of New York, Western District of New York, Northern District of New York, Southern District of Illinois, Northern District of Illinois, Northern District of California, Southern District of California, Central District of California, and Eastern District of California.

Charles D. Moore

Mr. Moore is a partner based in Minneapolis, Minnesota where he focuses on both consumer as well as employment class actions.

Mr. Moore has worked on a number of high profile class actions at Reese LLP as well as his prior firm where he worked as co-counsel with Reese LLP on numerous matters. His notable cases include: *Salerno v. Kirk's Natural LLC*, No. 1:21-cv-04987-BMC (E.D.N.Y.) (involving the deceptive claims for the country of origin of the products) *Marino v. Coach, Inc.*, Case No. 1:16-cv-01122-VEC (OTW) (Lead) (S.D.N.Y.) (involving deceptive reference pricing in the sale of outlet merchandise); *Raporport-Hecht v. Seventh Generation, Inc.*, Case No. 7:14-cv-09087-KMK (S.D.N.Y.) (involving the deceptive advertising of household products as "natural"); *Gay v. Tom's of Maine, Inc.*, Case No. 0:14-cv-60604-KMM (S.D. Fla.) (involving deceptive advertising of personal care products as "natural"); *Frohberg v. Cumberland Packing Corp.*, Case No. 1:14-cv-00748-KAM-RLM (E.D.N.Y.) (involving deceptive advertising of food products as "natural"); *Baharenstan v. Venus Laboratories, Inc. d/b/a Earth Friendly Products, Inc.*, Case No. 3:15-cv-03578-EDL (N.D. Cal.) (involving deceptive advertising of household products as "natural"); *Sienkaniec v. Uber Technologies, Inc.*, Case No. 17-cv-04489-PJS-FLN (D. Minn.) (involving the misclassification of Uber drivers as independent contractors); *Dang v. Samsung Electronics Co.*, 673 F. App'x 779 (9th Cir. 2017) (*cert denied* 138 S. Ct. 203) (rejecting shrink-wrap terms in California for purposes of arbitration).

Mr. Moore is a member of the state bar of Minnesota and New York. He is also a member of the bar of the U.S. District Court for the District of Minnesota, the Southern, Eastern, and Western Districts of New York, and the Northern District of Illinois. Mr. Moore received his juris doctorate from Hamline University School of Law in 2013, and his bachelor's degree from the University of North Dakota in 2007.

Kate J. Stoia

Ms. Stoia is based in San Francisco. Prior to joining the firm, Ms. Stoia was an associate specializing in general and corporate litigation and labor and employment law in the San Francisco offices of Brobeck Phleger & Harrison LLP, Gibson Dunn & Crutcher LLP, and Clarence & Snell LLP. Ms. Stoia clerked for the Honorable Charles A. Legge, Northern District of California, prior to joining private practice.

Ms. Stoia is admitted to the bars of several federal courts as well as the state bar of California. Ms. Stoia received her juris doctorate from UC Berkeley School of Law in 1995. She received a bachelor's degree from Columbia University in 1989 and a Master's of Public Affairs from UC Berkeley's Goldman School of Public Policy in 2022.

EXHIBIT 2

Sheehan and Associates P.C. Firm Resume

Attorneys

Spencer Sheehan

Spencer's practice focuses on representation of consumers in a range of false advertising litigation. After Mr. Sheehan became an attorney in late 2011, he worked on behalf of municipalities and local government agencies in legal disputes. Following this experience, Mr. Sheehan worked for a plaintiff's law firm representing individuals subjected to violations of state and federal laws related to minimum wage, workplace safety and discrimination.

Notable actions include *Liberski, et al v. Rhapsody International Inc.*, San Francisco County, California Superior Court, Case No. No. CGC-12- 517061. In 2014, the parties reached a class wide settlement and Mr. Sheehan was appointed co-lead counsel ("Rhapsody Subscriber Litigation Settlement").

In December 2016, he began focusing exclusively on consumer advertising issues. For instance, he was one of the first attorney to address "raw" juice products which were alleged to be treated with a non-thermal technology which had substantially the same effects as traditional thermal pasteurization. See *Alamilla v. Hain Celestial* (N.D. Cal., 2013) and *Campbell v. Freshbev LLC*, 322 F. Supp. 3d 330, 342 (E.D.N.Y. 2018) These cases attempted to apply the applicable law to the effects of novel technologies which were not considered at the time the FDA enacted regulations in this area.

He was appointed lead counsel with the law firms of Reese LLP and Aegis Law Firm, P.C., in *Cicciarella v. Califia Farms, LLC*, 7:19-cv-08785, S.D.N.Y., in summer 2020. The Court approved a nationwide settlement which resolved the underlying federal action and a California state case. It was alleged that defendant mislabeled its non-dairy milk alternative products with respect to flavoring and the presence of carrageenan.

He was appointed co-lead counsel with Reese LLP in *Vizcarra v. Unilever United States, Inc.* 4:20-cv-02777, N.D. Cal., in February 2023. The Court certified a class of purchasers of Breyer's Natural Vanilla Ice Cream where it was alleged the ice cream's vanilla flavor was from non-vanilla plant sources.

He was appointed co-lead counsel with Reese LLP in *Sharpe et al. v. A & W Concentrate Co. et al.*, 1:19-cv-00768, E.D.N.Y., in summer 2021. The Court certified a class of purchasers of A & W Root Beer and Cream Soda marketed as "Made With Aged Vanilla," where it was alleged the amount of vanilla was de minimis or non-existent and that any vanilla flavoring was provided by the synthetic ingredient of ethyl vanillin. In June 2023, that court granted preliminary approval of a settlement of \$15 million.

He played a significant role in *Marek et al. v. Molson Coors Beverage Company et al*, 3:21-cv-07174, N.D. Cal., in February 2023, where Gutride Safier LLP was appointed as lead counsel. That court certified a class of purchasers of Vizzy hard seltzer promoted as containing antioxidants including vitamin C, where it was alleged this labeling and marketing was misleading to consumers and unlawful. The court granted preliminary approval of a settlement

of \$9.5 million. Mr. Sheehan filed *Williams v. Molson Coors Beverage Company*, 3:21-cv-50207, N.D. Ill., prior to *Marek*, and *Eyzaguirre v. Molson Coors Beverage Company USA*, 0:22-cv-60889, S.D. Fl., with the Law Office of Will Wright. The *Williams* and *Eyzaguirre* actions were essentially consolidated with *Marek* following stipulations of dismissals and their subsequent joinder in *Marek*.

He was appointed to the executive committee along with the law firm Held & Hines LLP, in *Chung v. Illuminate Education, Inc.*, 8:22-cv-01547, C.D. Cal. in September 2022. That defendant is alleged to have negligently failed to safeguard the confidential information of millions of students. The litigation is ongoing.

Spencer's work has been the subject of several written profiles in national and local publications.

Spencer's pro bono work has included representing people with exotic or non-traditional animal companions. This includes representing a Floridian who came to possess an alligator over six feet in length, alleged to be in violation of Florida's wildlife laws. Mr. Sheehan's efforts contributed to resolution of that issue and allowed the woman and gator to remain together. *See* John Breslin, [Lakeland woman keeps alligator, thanks to efforts of lawyer tied to subway shooter's squirrel eviction case](#), Florida Record, January 4, 2017. He is a vegetarian, who volunteers locally in the rescue of animals, including but not limited to cats, even though he does not have any pets.

He has a Bachelor of Science Degree from Georgetown University in Foreign Service (2002) and a Master's Degree in International Relations from the School of Advanced International Studies (SAIS), Johns Hopkins University (2006). He obtained a Juris Doctorate from Fordham University School of Law (2010). He was a member of the United States Marine Corps as a Reservist.

Angele Aaron

Angele is an attorney with Sheehan and Associates, P.C. She has experience in real estate, civil litigation, and employment law. She has handled residential and commercial real estate closings. Angele graduated from the University of Westminster with a Bachelor of Law Degree and received a Master of Law Degree from the University College of London in International Law.

Lauren Cahn

Lauren is an attorney with Sheehan and Associates, P.C. Lauren has been associated with law firms in New York City and the Office of the General Counsel at New York Life Insurance Company. Lauren worked as a journalist and has written about numerous legal topics. After receiving a Bachelor of Arts from Tufts University, she obtained a Juris Doctorate from New York University School of Law.

Mitchell Domovsky

Mitchell is an attorney with Sheehan and Associates, P.C. He has a background in matters of criminal justice, evidence, and discovery. Mitchell graduated from Hunter College with a Bachelor of Arts and received a Juris Doctorate from Brooklyn Law School.

Kinga Fenikowska

Kinga is an attorney with Sheehan and Associates, P.C. She has a background in trademark, copyright, media, and space law, as well as experience in assisting homeowners facing mortgage foreclosure issues. Kinga is a member of the New York State Bar, New York City Bar, and Nassau County Bar. She graduated from the University of California, Berkeley with a Bachelor of Arts and received a Juris Doctorate from Penn State Law, University Park.

Theodore Hillebrand

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