

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

JANE DOE 1 and JANE DOE 2, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

WORKIT HEALTH, INC.,

Defendant.

Case No. 2:23-CV-11691-LVP-DRG

Hon. Linda V. Parker
Magistrate Judge David R. Grand

**DECLARATION OF NICHOLAS A. COULSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF COSTS AND EXPENSES,
AND INCENTIVE AWARDS**

I, Nicholas A. Coulson, declare:

1. I have personal knowledge of the matters herein. If called as a witness, I could and would testify truthfully and competently thereto under oath.

2. I am counsel of record for the Plaintiffs in this action.

3. I am an attorney licensed to practice in the State of Michigan with a State Bar of Michigan Identification No. 78001. I have been licensed to practice law in the State of Michigan since 2013. Since that time, I have been continually licensed to practice. I have never been disciplined, suspended, or disbarred. I am also licensed to practice in the State of California, and the United States District Courts for the

Eastern District of Michigan, the Western District of Michigan, the Western District of New York, the Eastern District of Wisconsin, the Western District of Wisconsin, the District of Colorado, the Middle District of Tennessee, and the Northern District of Illinois, in addition to the United States Courts of Appeals for the Second, Third, Fifth, Sixth, and Ninth Circuits.

4. I submit this declaration in support of Plaintiffs' Motion for Award of Attorneys' Fees, Reimbursement of Costs and Expenses, and incentive Awards. This Declaration includes a discussion of Class Counsel's efforts this litigation, as well as my professional qualifications.

5. I am the founding and principal partner of the law firm Coulson P.C. and was formerly a partner of Liddle Sheets Coulson P.C., where I practiced in class action and complex litigation since 2013.

6. I have extensive experience in prosecuting class action litigation and have been appointed as class counsel in dozens of cases in various courts, including, without limitation: *Clark-Floyd Landfill, LLC v. Gonzalez*, No. 19A-CT-2680, 2020 Ind. App. LEXIS 257, at *21 (Ct. App. June 18, 2020) (certification affirmed on appeal); *Ross, et al. v. USX Company*, Case No. G.D. 17-008663 (Allegheny Cty., PA Ct. of Common Pleas); *Bright et al v. Wake County Disposal, LLC*, Case No. 18-cvs-10976 (Wake Cty. NC Superior Ct.); *Michaely v. Browning-Ferris Industries of California, Inc.* (California Superior- Los Angeles Case No. BC497125 2019);

Batties v. Waste Management of Pennsylvania, LLC, No. 14-7013, 2016 U.S. Dist. LEXIS 186335, at *47 (E.D. Pa. May 11, 2016); *Beck v. Stony Hollow Landfill, Inc.*, No. 3:16-cv-455, 2018 U.S. Dist. LEXIS 199221, (S.D. Ohio Nov. 26, 2018); *Johnston, et al. v. Deffenbaugh Disposal, Inc.*, Case No: 2:16-cv-02648-JTM-KGG (D. Kan.); *Brown v. Rhode Island Resource Recovery Corporation*, C.A. NO. PC 2015-0947 (Rhode Island Superior 2018); *McCarty v. Okla. City Landfill, LLC*, No. CIV-12-1152-C (W.D. Okla. April 11, 2016); *Ng. v. International Disposal Corp. of California*, Case No. 112CV228591 (Santa Clara CA Superior Court Aug. 1, 2016); *Connors v. AmeriTies West, LLC*, (Wasco County Oregon Case No. 16-CV-25390, 2018); *Gingrasso, et al. v. Cedar Grove Composting Facility, Inc.*, (King County (WA) Superior Court Case No: 13-2-05334-9 KNT, 2018); *Bundy, et al. v. Cedar Grove Composting Facility, Inc.*, Snohomish County (WA) Superior Court Case No: 13-2-02778-8, 2018) (thousands of residents near composting facility); *Averett v. Metalworking Lubricants Co.*, No. 1:15-cv-01509-JMS-MPB, 2017 U.S. Dist. LEXIS 158184, at *1 (S.D. Ind. Sep. 27, 2017); *Dabney v. Taminco US, Inc.*, Case No. 3:15-cv-533/MCR/EMT (N.D. FL); *Maroz v. Arcelormittal Monessen, LLC*, No. 15-cv-00771-AJS (W.D. PA Nov. 14, 2016); *Fritz v. City of Ecorse*, Case No. 13-000371-NZ (Wayne County MI Circuit Ct.); *Ray v. City of Lansing*, Case No. 13-124242-NZ (Ingham County MI Circuit Ct.); *Laprarie v. City of Warren*, Case No. 11-0044560NZ (Macomb County MI Circuit Ct.); *Baynai v. City of*

Riverview, Case No. 12-0072979 (Wayne County MI Circuit Ct.); *Domino v. City of Livonia*, Case No. 11-010285-NZ (Wayne County MI Circuit Ct.).

7. I have successfully litigated class actions involving data privacy violations, specifically related to use of third-party tracking technologies such as the Facebook Pixel. I resolved *Feldman v. Star-Tribune Media Co.*, Case No. 0:22-cv-1731-ECT-TNL (D. Minn) for \$2.9 Million on behalf of a certified class of visitors to the defendant's website. I also served as class counsel in *Waller et al v. Times Publishing Company*, Case No. 2023-027889-CA-01 (Miami-Dade County, FL Cir. Ct.), which my co-counsel and I resolved for \$950,000 on behalf of another class of website visitors.

8. Other examples of noteworthy results in cases I have resolved include:

In *McKnight v. Uber Techs., Inc.*, No. 14-cv-05615-JST, 2017 U.S. Dist. LEXIS 124534, at *23 (N.D. Cal. Aug. 7, 2017), I was appointed by the United States District Court for the Northern District of California to represent a nationwide class of millions of Uber passengers. That case resulted in a \$32.5 million settlement.

I served as primary class counsel in *Dykehouse v. The 3M Company*, Case No. 1:18-cv-01225 (W.D. Mich), wherein the court approved a class settlement of \$11.9 million for Michigan residents whose municipal water had been contaminated by PFAS.

9. My law firm's website, found at <http://www.CoulsonPC.com>, provides information about certain other class action and "mass" action lawsuits that my firm is currently prosecuting in state and federal courts.

10. I believe Coulson P.C. and Almeida Law Group LLC are more than qualified to represent the interests of the Class as Class Counsel. We have diligently sought to represent the interests of the proposed Settlement Class in this action. We have carefully investigated both the liability issues and class issues alleged in the complaint, and have reached a settlement that provides meaningful benefits to the Class.

11. I and my co-counsel began investigating this case several weeks before it was filed in July of 2013. (*See* [ECF No. 1]). Our extensive pre-filing investigation provided the basis for a detailed 114-page Complaint that we believe was instrumental in confronting the Defendant in the risks it faced in this case. (*See id.*).

12. While Defendant brought a motion to compel individual arbitration, my co-counsel and I engaged Defendant's counsel in discussions regarding the potential resolution of this action. We believe that our extensive background in both litigating and arbitrating similar cases assisted in this regard. Ultimately, the parties agreed to participate in mediation.

13. The parties participated in a full-day mediation session with skilled mediator Bruce Freidman of Judicial Arbitration and Mediation Services, who has extensive experience in similar privacy matters, on March 21, 2024.

14. In advance of the mediation, my co-counsel and I undertook an extensive review of the case file, the available information, and the applicable law, and prepared a detailed mediation statement.

15. Defendant shared confidential information at mediation (which we expect to provide at the final approval stage) sufficient for us to fully evaluate the fairness, adequacy, and reasonableness of settlement.

16. While we reached agreement on certain of the material terms of settlement at the mediation, the parties continued to negotiate other terms for several months, culminating in the final Settlement Agreement. This process included the negotiation of the various exhibits to the Settlement Agreement and the papers necessary for its effectuation.

17. Since the settlement was preliminarily approved, I and my co-counsel have overseen the Court-appointed settlement administrator's delivery of notice and performance of administration duties related to the Settlement Agreement.

18. Complex data privacy class actions are inherently expensive and time consuming to litigate, and the complexity and potential liability involved lends itself to prolonged litigation and appeals. While it is always possible that more would be recovered at trial, data privacy cases face many significant hurdles in reaching trial, any one of which could be the death-knell of the case. Complex issues of causation and damages place the outcome of any trial in doubt, and the specter of appeal

introduces even more risk. These cases are also extremely expensive to litigate, and it is generally (or at least often) not economically feasible to take on cases like this on an individual basis.

19. This settlement provides meaningful compensation to Plaintiffs and the Class and avoids the risk, complexity, time, and cost of further litigation. I believe, based on the benefits being made available to the Class under the proposed Settlement, and considering the risk and potential duration of further protracted litigation, that the instant Settlement confers substantial benefits upon the Settlement Class and is therefore in the best interests of the Class, in addition to being reasonable, fair, and adequate.

20. As part of the Settlement Agreement, Defendant agreed not to oppose an application by Plaintiffs' counsel for an award of attorneys' fees, costs, and expenses not to exceed 1/3 of the Settlement Fund. This amount was negotiated after the primary terms of the Settlement were negotiated.

21. My current and/or prior law firms have devoted time to this action, as detailed herein, as follows:

Attorney	Role	2024 Rate	Hours	Lodestar
Nicholas A. Coulson	Partner/Principal	\$750	123.2	\$92,400
Julia G. Prescott	Associate	\$375	19.4	\$7,275
Total			142.6	\$99,675

22. The reported time does not include what I expect to be extensive future time, including further oversight of settlement administration, seeking and obtaining final approval, handling inquiries from class members, and verifying proper distribution of the settlement proceeds.

23. My current and/or prior law firms have expended unreimbursed costs and/or expenses in this action as follows:

Item	Category	Amount
Filing Fee	Filing Fees	\$ 402.00
JAMS- Mediation Fee	Mediation	\$ 4,500.00
RT Airfare to Irvine CA for Mediation	Travel	\$ 926.20
Hotel for Mediation 3/20-3/22	Travel	\$ 742.73
Total:		\$6,570.93

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: December 9, 2024
Detroit, Michigan

/s/ Nicholas A. Coulson
Nicholas A. Coulson