

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE SHIELDS HEALTH GROUP, INC  
DATA BREACH LITIGATION

CASE NO. 1:22-cv-10901-PBS

Hon. Patti B. Saris

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, ss.**

**CONSTANTINE KOSSIFOS**, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

**SHIELDS HEALTH CARE GROUP,  
INC.,**

Defendant.

**SUPERIOR COURT  
TRIAL COURT DEPARTMENT**

**CASE NO. 2282-cv-00561**

**CONSOLIDATED WITH:**

**ESSEX, ss.**

**AMANDA JOHNSON, CHRISTINE  
CAMBRIA, COURTNEY HORGAN, and  
KENNETH VANDAM**, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

**SHIELDS HEALTH CARE GROUP,  
INC.,**

Defendant.

**SUPERIOR COURT  
TRIAL COURT DEPARTMENT**

**CASE NO. 2277-cv-00839**

**NORFOLK, ss.**

**WILLIAM BISCAN, TENNIE KOMAR,  
and LISA SMITH**, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

**SHIELDS HEALTH CARE GROUP,  
INC.,**

Defendant.

**SUPERIOR COURT  
TRIAL COURT DEPARTMENT**

**CASE NO. 2382-cv-0023**

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**SUPPLEMENTAL JOINT DECLARATION OF SETTLEMENT CLASS COUNSEL IN  
SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, EXPENSES, AND  
REPRESENTATIVE PLAINTIFFS' SERVICE AWARDS**

Lori G. Feldman of George Feldman McDonald, PLLC, Kelly K. Iverson of Lynch Carpenter LLP, Alex J. Dravillas of Keller Postman LLC, John A. Yanchunis of Morgan & Morgan, and Michael Forrest of Mazow McCullough, PC, hereby submit this supplemental declaration pursuant to the Courts' requests at the Final Approval hearing and declare as follows:

1. We are Settlement Class Counsel<sup>1</sup> for Representative Plaintiffs and Settlement Class Members in the above-captioned Federal and State Court Actions.

2. We respectfully submit this supplemental declaration in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Representative Plaintiffs' Service Awards (the "Fee Motion"), filed November 10, 2025. ECF No. 168.

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms have the same meanings ascribed to them in the Settlement Agreement (hereinafter "S.A.") between Plaintiffs and Shields, filed as ECF No. 158-1.

3. In conjunction with the Fee Motion, Settlement Class Counsel submitted a joint declaration setting forth the collective lodestar of the firms involved in litigating these actions.

4. At the final approval hearing, the Court requested additional detail regarding the lodestar. Specifically, the Courts requested a breakdown of the attorneys with each firm that billed time to these actions, along with each attorney's specific hours and lodestar, along with their billing rate and years of practice. The Courts also sought additional detail on the expenses for which reimbursement is sought.

5. Since filing the Fee Motion, Plaintiffs' counsel has incurred additional time and expense, including for preparation of filings in support of final approval, to prepare for and attend the final approval hearing, for working with the claims' administrator, and time incurred addressing the proposed disposition of remainder funds.

6. Each firm has submitted an attorney declaration (collectively, the "Attorney Declarations") setting forth the information requested by the Courts related to their lodestar and expenses.<sup>2</sup> Those Attorney Declarations are attached hereto:

- a. Exhibit A—Declaration of Kelly K. Iverson of Lynch Carpenter, LLP;
- b. Exhibit B—Declaration of Lori G. Feldman of George Feldman McDonald, PLLC;
- c. Exhibit C—Declaration of John A. Yanchunis of Morgan and Morgan Complex Litigation Group;
- d. Exhibit D—Declaration of Alex J. Dravillas of Keller Postman LLC;
- e. Exhibit E—Declaration of Jason Leviton of Block & Leviton LLP;
- f. Exhibit F—Declaration of Stephen R. Bassar of Barrack Rodos & Bacine;

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<sup>2</sup> Since the submission of the prior declaration, Settlement Class Counsel learned of the inadvertent omission of time incurred by Emerson Law, which is submitted herewith.

- g. Exhibit G—Declaration of Nathaniel L. Orenstein of Berman Tabacco;
- h. Exhibit H—Declaration of John G. Emerson of Emerson Firm, PLLC;
- i. Exhibit I—Declaration of Todd S. Garber of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP;
- j. Exhibit J—Declaration of Lynda J. Grant of TheGrantLawFirm, PLLC;
- k. Exhibit K—Declaration of Melissa Emert of Kantrowitz, Goldhamer & Graifman, P.C.;
- l. Exhibit L—Declaration of Ryan D. Maxey of Maxey Law Firm, P.A.;
- m. Exhibit M—Declaration of Michael Forrest of Mazow | McCullough, P.C.;
- n. Exhibit N—Declaration of Gary M. Klinger of Milberg, PLLC;
- o. Exhibit O—Declaration of Anjori Mitra of Scott+Scott Attorneys at Law LLP; and
- p. Exhibit P—Declaration of Carl V. Malmstrom of Wolf Haldenstein Adler Freeman & Herz LLC.

7. As of the date of this declaration, the total lodestar incurred related to the Federal and State Actions, as set forth in each of the attached Attorney Declarations, is as follows:

<b>Firm</b>	<b>Hours</b>	<b>Lodestar</b>
Lynch Carpenter, LLP	743.6	\$556,460.00
George Feldman McDonald, PLLC	865.05	\$731,683.25
Morgan and Morgan Complex Litigation Group	345.5	\$435,269.60
Keller Postman LLC	233.4	\$423,722.50
Block & Leviton LLP	196.9	\$148,772.00
Barrack Rodos & Bacine	183.5	\$182,298.00
Berman Tabacco	281.5	\$190,924.00
Emerson Firm, PLLC	82.2	\$78,870.00
Finkelstein, Blankinship, Frei-Pearson & Garber, LLP	162.8	\$123,240.00

TheGrantLawFirm, PLLC	23.0	\$21,000.00
Kantrowitz, Goldhamer & Graifman, P.C.	403.65	\$274,686.25
Maxey Law Firm, P.A.	43.1	\$34,480.00
Mazow   McCullough, P.C.	180.53	\$105,347.50
Milberg, PLLC	54.6	\$33,584.10
Scott+Scott Attorneys at Law LLP	234.7	\$184,418.00
Wolf Haldenstein Adler Freeman & Herz LLC	111.1	\$69,976.50
<b>Total</b>	<b>4,145.13</b>	<b>\$3,594,731.70</b>

8. The hourly rates indicated in the Attorney Declarations have either been approved as reasonable by federal and state courts in 2025, or reflect modest increases over hourly rates that were approved by federal and state courts prior to 2025.<sup>3</sup>

9. As of the date of this declaration, the total expenses incurred related to the Federal and State Actions, for which reimbursement is sought, as set forth in each of the attached Attorney Declarations, is as follows:

<b>Firm</b>	<b>Expenses</b>
Lynch Carpenter, LLP	\$13,527.73
George Feldman McDonald, PLLC	\$6,193.58
Morgan and Morgan Complex Litigation Group	\$19,281.39
Keller Postman LLC	\$13,293.16
Block & Leviton LLP	\$1,493.67
Barrack Rodos & Bacine	\$428.40
Berman Tabacco	\$2,390.18

<sup>3</sup> See, e.g., Iverson Decl. at ¶ 6; Feldman Decl. at ¶ 16; Yanchunis Decl. at ¶ 5; Dravillas Decl. at ¶ 5; Leviton Decl. at ¶ 4; Bassler Decl. at ¶ 5; Orenstein Decl. at ¶ 5; Emerson Decl. at ¶ 5; Garber Decl. at ¶ 5; Grant Decl. at ¶ 5; Emert Decl. at ¶ 5; Maxey Decl. at ¶ 5; Forrest Decl. at ¶ 5; Klinger Decl. at ¶ 5; Mitra Decl. at ¶ 5; Malmstrom Decl. at ¶ 5 (each collecting cases where the firm's hourly rates have been approved by courts).

Emerson Firm, PLLC	\$0.00
Finkelstein, Blankinship, Frei-Pearson & Garber, LLP	\$33.91
TheGrantLawFirm, PLLC	\$31.58
Kantrowitz, Goldhamer & Graifman, P.C.	\$0.00
Maxey Law Firm, P.A.	\$1,200.50
Mazow   McCullough, P.C.	\$3,186.29
Milberg, PLLC	\$864.75
Scott+Scott Attorneys at Law LLP	\$1,037.39
Wolf Haldenstein Adler Freeman & Herz LLC	\$612.36
<b>Total</b>	<b>\$63,574.89</b>

10. Settlement Class Counsel has removed all charges related to research and all Pacer fees from the expenses sought, reducing the total requested expenses below the originally sought \$76,276.04.

11. The history of the Actions, the litigation efforts, and the background of the global Settlement Agreement are detailed in Settlement Class Counsel's Preliminary Approval Joint Declaration (ECF No. 158, Doc. 40.2) and Settlement Class Counsel's Declaration in Support of Plaintiffs' Motion for Attorney Fees Expenses and Representative Plaintiffs' Service Awards (ECF No. 170, Doc. 49.2) both incorporated herein by reference.

12. Settlement Class Counsel have worked cooperatively at each stage of the parallel Federal and State Actions, including but not limited to: (1) investigating the Data Incident; (2) researching viable legal claims; (3) identifying and interviewing potential class representatives about their experiences; (4) preparing and filing class action complaints and amended complaints; (5) coordinating between the two actions; (6) attending hearings in both the Federal and State cases; (7) submitting discovery plans to the court; (8) negotiating a Confidentiality Order and ESI

Stipulation; (9) opposing Defendant's motions to dismiss in both the Federal and State Actions; (10) mediating the case with Defendant on multiple occasions; (11) submitting informal discovery requests and exchanging sufficient informal discovery; (12) serving formal discovery requests on Defendant and preparing responses and productions to formal discovery requests served on all Plaintiffs; (14) reviewing documents provided by Defendant; (15) conducting the investigations and analysis necessary to obtain sufficient knowledge to understand the strengths and weaknesses of Plaintiffs' claims and to fully evaluate the risks and uncertainties of future litigation; (16) negotiating and drafting a complex, global settlement across the two actions; (17) preparing filings in support of Preliminary and Final Approval; (18) preparing for and attending Preliminary Approval hearings in both the State and Federal Actions; (19) coordinating final approval among both actions; (20) coordinating with, researching, and communicating with the Massachusetts IOLTA with respect to its objection; (21) communicating with Settlement Class Members and supporting them through the claims process; (22) coordinating with the Claims Administrator and addressing any questions and/or issues raised by or to the same; and (23) preparing for and presenting oral argument in support of final approval.

13. Settlement Class Counsel requests fees in the amount of 33.33% of the Settlement Fund, or \$5,116,666.67.

14. Class Counsel's updated lodestar represents only a 1.42x lodestar multiplier, which is well within the range of multipliers that have been approved as reasonable in the United States District Court for the District of Massachusetts. *See, e.g., In re Neurontin Mktg. & Sales Pracs. Litig.*, 58 F. Supp. 3d 167, 172–73 (D. Mass. 2014) (approving a multiplier of 3.32 as “well within the range”); *In re Relafen Antitrust Litig.*, 231 F.R.D. 52, 81-82 (D. Mass. 2005) (approving a multiplier of 2.02, representing 33 1/3% of a \$67 million settlement fund despite noting that “the

standard percentage is generally lower as the common fund increases”); *Carlson v. Target Enterprise, Inc.*, 447 F. Supp. 3d 1, 5 (D. Mass. 2020) (approving a 1.7 multiplier despite noting “the lack of complexity of the case”).

15. Moreover, Settlement Class Counsel will continue to incur time related to, at minimum, administration of the Settlement.

16. Settlement Class Counsel further requests reimbursement of the expenses incurred in prosecution of the Federal and State Actions, in the amount of \$63,574.89.

17. The incurred expenses were reasonable, necessary, and directly relate to the quality of the result achieved. A majority of these expenses are made up of costs associated with filing fees, research costs, mailing/copy costs related to the case, mediator fees, and travel expenses related to mediation and court appearances. These expenses were necessary to prosecute the cases and reach the global Settlement here. Given that there are currently fifteen plaintiffs across two different actions in two different courts, Class Counsel’s expenses are reasonable and warrant reimbursement.

18. The undersigned respectfully submit that the fees and expenses are fair and reasonable given the efforts, expense, and risks undertaken by Settlement Class Counsel to secure this Settlement for Plaintiffs and the Settlement Class.

19. As documented in the Attorney Declarations, the work undertaken by Class Counsel was reasonably necessary to achieve the Settlement for the Settlement Class, and Class Counsel coordinated efficiently to prevent duplication of work.

20. Both Massachusetts state courts, as well as federal courts within the First Circuit, have approved contingency fees of 33.33%, including in common fund cases. *See, e.g., In re Sovos Compliance Data Sec. Incident Litig.*, No. 1:23-cv-12100-AK (D. Mass July 23, 2024), ECF No.

51, ¶ 22 (approving 33.33% in attorneys’ fees and separately awarding \$13,825.99 in expenses); *Roberts v. TJJX Companies, Inc.*, No. 13-CV-13142-ADB, 2016 WL 8677312, at \*11 (D. Mass. Sept. 30, 2016) (approving 1/3 of the common fund based on the positive result obtained for the class and the time and efforts expended by counsel); *Gordan v. Massachusetts Mut. Life Ins. Co.*, No. 13-CV-30184-MAP, 2016 WL 11272044, at \*2 (D. Mass. Nov. 3, 2016) (“the one-third fee requested here is fair and reasonable”); *Smith v. Consalvo*, 638 N.E.2d 501, 504 (Mass. App. Ct. 1994) (citing *Gagnon v. Shoblom*, 565 N.E.2d 775 (Mass. 1991)) (explaining that a 1/3 contingent fee is standard and reasonable); *Commonwealth Care All.*, 2013 WL 6268236 at \*2 (awarding 30% of a \$20 million common fund; or a two multiplier on the lodestar); *In re Stocker Yale, Inc. Sec. Litig.*, No. 1:05CV00177-SM, 2007 WL 4589772, at \*6 (D.N.H. Dec. 18, 2007) (awarding fees in the amount of 33% of settlement fund); *McCormick v. Festiva Dev. Grp., LLC*, No. 2:09-CV-00365-GZS, 2011 WL 2457883, at \* 1 (D. Me. June 20, 2011) (awarding fees in the amount of one third of settlement fund); *Applegate v. Formed Fiber Techs., LLC*, No. CIV.A. 2:10-00473, 2013 WL 6162596, at \*1 (D. Me. Nov. 21, 2013) (same); *Bennett v. Roark Capital Grp., Inc.*, No. 2:09-CV-00421-GZS, 2011 WL 1703447, at \*2 (D. Me. May 4, 2011) (same).

21. The requested 33 and 1/3% of the Settlement Fund also falls squarely within the range of awards that courts have granted in other data breach cases. *See In re Asacol Antitrust Litig.*, No. 1:15-CV-12730 (DJC), 2017 WL 11475275, at \*4 (D. Mass. Dec. 7, 2017) (awarding 1/3 of settlement fund in attorneys’ fees and separately awarding expenses); *Kondash v. Citizens Bank, Nat’l Ass’n*, No. 18-CV-00288-WES-LDA, 2020 WL 7641785, at \*6 (D.R.I. Dec. 23, 2020) (same); *Barletti v. Connexin Software, Inc.*, No. 2:22-CV-04676-JDW, 2024 WL 3564556 (E.D. Pa. July 24, 2024) (same); *In re Novant Health, Inc.*, No. 1:22-CV-697, 2024 WL 3028443, at \*12 (M.D.N.C. June 17, 2024) (awarding 1/3 of the settlement fund in attorneys’ fees and separately

awarding expenses in a data privacy settlement); *In re Forefront Data Breach Litig.*, No. 21-CV-887, 2023 WL 6215366, at \*7 (E.D. Wis. Mar. 22, 2023) (same; in a data breach settlement); *In re Fortra File Transfer Software Data Security Breach Litig.*, No. 24-MD-03090-RAR, 2025 WL 2675178 (S.D. Fla. Sept. 17, 2025) (awarding 1/3 of \$20,000,000 settlement fund as attorneys' fees, plus reimbursement of costs in data breach settlement).

22. The settlement benefits available for the Settlement Class are consistent with, or more valuable than, other approved settlements of this nature. *See, e.g., In re Fortra File Transfer Software Data Security Breach Litig.*, No. 24-MD-03090-RAR, 2024 WL 5362098 (S.D. Fla. Sep. 24, 2024) (resulting in a settlement of \$7 million, for a class of over a million individuals); *Bickham vs. ReproSource Fertility Diagnostics, Inc.*, No. 21-cv-11879, ECF No. 64-1 (D. Mass) (resulting in a settlement of \$1.25 million, for a class of 228,214 individuals); *In re Harvard Pilgrim Data Sec. Incident Litig.*, Case No. 1:23-cv-11211-NMG, ECF No. 97-2 (D. Mass.) (\$16 million settlement for a class of 2,967,396 individuals); *In re Wawa, Inc. Data Sec. Litig.*, No. 19-cv-06019-GEKP, 2024 WL 1557366, at \*6 (E.D. Pa. Apr. 9, 2024), *aff'd*, 141 F.4th 456 (3d Cir. 2025) (\$5 gift card or \$15 gift cards with proof of actual or attempted fraud).

23. Despite the prevalence of data breach class actions, they remain complex. First, class actions on their own “have a well-deserved reputation as being most complex.” *In re NASDAQ Mkt.-Makers Antitrust Litig.*, 187 F.R.D. 465, 477 (S.D.N.Y. 1998). And data breach litigation, specifically, continues to evolve and remains complex both factually and legally. *See Fox v. Iowa Health Sys.*, No. 3:18-cv-00327, 2021 WL 826741, at \*5 (W.D. Wis. Mar. 4, 2021).

24. The reaction of the Settlement Classes to the Settlement was also overwhelmingly positive. The claims rate exceeded 9%, which is substantially higher than many other data breach class actions. *See, e.g., Carter v. Vivendi Ticketing US LLC*, No. SACV2201981CJCDFMX, 2023

WL 8153712, at \*9 (C.D. Cal. Oct. 30, 2023) (finding claims rate of 1.6% “in line with claims rates in other data breach class action settlements that courts have approved”); *Desue v. 20/20 Eye Care Network, Inc.*, No. 21-CIV-61275-RAR, 2023 WL 4420348, at \*9 (S.D. Fla. July 8, 2023) (granting final approval to a data breach settlement with a claims rate of 0.66%); *In re Forefront Data Breach Litig.*, No. 21-CV-887, 2023 WL 6215366, at \*4 (E.D. Wis. Mar. 22, 2023) (“A claims rate of 1.46% is generally in line with the rate experienced in other data breach class actions.”); *Schneider v. Chipotle Mexican Grill, Inc.*, 336 F.R.D. 588, 599 (N.D. Cal. 2020) (“Here, the 0.83% claims rate ... is on par with other consumer cases, and does not otherwise weigh against approval).

25. For all of these reasons, as well as those set forth in the Fee Motion and Final Approval Motion, Settlement Class Counsel respectfully requests an award of fees in the amount of \$5,116,666.67 and reimbursement of expenses in the amount of \$63,574.89.

We affirm, under penalties of perjury under the laws of the United States of America that the forgoing is true and correct

Dated: January 14, 2026

/s/ Brendan Jarboe  
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