

Linda P. Nussbaum (*Pro Hac Vice*)
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Class Counsel

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IN RE CENTRASTATE HEALTHCARE
DATA SECURITY INCIDENT LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY
MASTER FILE: OCN-L-002002-24
(CBLP)

This Document Relates To:
All Actions

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**DECLARATION OF LINDA P. NUSSBAUM IN SUPPORT OF
MOTION FOR AN AWARD OF ATTORNEY FEES AND EXPENSES**

I, Linda P. Nussbaum, declare as follows:

1. I am the Managing Director of Nussbaum Law Group, P.C. and one of the Interim Class Counsel appointed by the Court on August 25, 2023 in the class action pending before the Court entitled *In re CentraState Healthcare Data Security Incident Litigation*, Master File No: OCN-L-002002-24 (CBLP).

2. I submit this declaration in support of Plaintiff's motion for an award of attorneys' fees and expenses in connection with the services rendered and costs and expenses incurred in *In re CentraState Healthcare Data Security Incident Litigation*, Master File No: OCN-L-002002-24 (CBLP).

3. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently to the facts contained in this declaration.

4. The schedule attached as Exhibit A sets forth my firm's total hours and lodestar,

computed at current rates, for the period from the inception of the case through and including August 15, 2024. The total number of hours spent by my first during this period was 287.5 with a corresponding lodestar of \$312,077.50. This schedule was prepared from contemporaneous, daily time records prepared and maintained by my firm.

5. In connection with representing Plaintiffs in the action, my firm performed the following work: investigated claims and drafted a complaint; drafted discovery requests and otherwise participated in discovery; researched and drafted motion papers; attended Court conferences; participated in numerous meetings and calls with defense counsel; researched and drafted a lengthy and detailed mediation statement summarizing the law and evidence; responded to Defendants' mediation statement; participated in mediation and settlement negotiations; and participated in research and drafting of settlement agreement, class notices and motions for approval of the settlement.

6. The lodestar amount reflected in Exhibit A for worked performed by attorneys and professional staff at my firm was for the benefit of the Class. The hourly rates for the attorneys and professional staff in my firm reflected in Exhibit A are the usual and customary hourly rates historically charged by my firm in similar complex litigation matters.

7. My firm has expended a total of \$730.77 in unreimbursed costs and expenses in connection with the prosecution of the Action from inception through August 15, 2024. These costs are set forth in the schedule attached as Exhibit B and are reflected on the books and records of my firm. They were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

8. My firm, Nussbaum Law Group, P.C., has significant experience litigating class actions of similar size, scope, and complexity to the instant action. *See* Firm Resume of

Nussbaum Law Group, P.C., a true and accurate copy of which is attached as Exhibit C.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: August 15, 2024
New York, New York



LINDA P. NUSSBAUM
Managing Directors
Nussbaum Law Group, P.C.

EXHIBIT A

In re CentraState Healthcare Data Security Incident Litigation,
 Master File: OCN-L-002002-24

Nussbaum Law Group, P.C.

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Attorneys:				
Linda Nussbaum	(P)	138.6	\$1,250	\$173,250.00
Susan Schwaiger	(OC)	118.0	\$950	\$112,100.00
Robert Axelrod	(OC)	27.7	\$925	\$25,622.50
Brett Leopold	(A)	0.2	\$650	\$130.00
Paralegals:				
Tyler Tishman		3.0	\$325	\$975.00
TOTAL		287.5		\$312,077.50

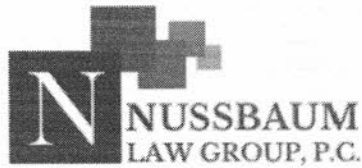
(P) Partner
 (A) Associate
 (OC) Of Counsel

EXHIBIT B

In re CentraState Healthcare Data Security Incident Litigation,
 Master File: OCN-L-002002-24

Nussbaum Law Group, P.C.

<i>CATEGORY</i>	<i>AMOUNT</i>
Travel	\$409.91
Westlaw	\$268.46
Pacer	\$7.90
Photocopy and Reproduction	\$44.50
<i>TOTAL</i>	<i>\$730.77</i>

EXHIBIT C

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FIRM BIOGRAPHY

Nussbaum Law Group, PC (“NLG”) is a litigation firm specializing in the prosecution of precedent-setting class litigation with the singular focus of providing the highest level of service and best results. Linda Nussbaum, the firm’s founder, has been at the forefront of landmark fair competition and other complex class cases for over 40 years. The firm’s experienced litigators have played leading roles in recovering billions of dollars for their clients from the world’s largest corporations. The firm has repeatedly successfully represented individuals, public companies, and classes in significant and high-stakes, multifaceted litigation in courts throughout the country. Our main practice areas include antitrust, pharmaceutical, consumer, data breach, employee “no poach” and commodities manipulation class actions, as well as complex business disputes.

MANAGING DIRECTOR: LINDA P. NUSSBAUM

Linda Nussbaum is the founder and managing director of the Nussbaum Law Group, P.C. She is nationally recognized for her representation of plaintiffs in antitrust, data breach, and pharmaceutical litigation. She has served as sole or co-lead counsel in well-over 30 class actions, in jurisdictions throughout the U.S., including many significant class actions which have resulted in substantial recoveries, many in the realm of hundreds of millions of dollars.¹ She has

¹ Ms. Nussbaum has served as Lead or Co-Lead counsel in 28 antitrust class actions. *In re Sorbates Direct Purchaser Antitrust Litig.*, 3:98-cv-04886-MMC (N.D.Ca.) (USDJ Maxine M. Chesney) (settled for \$96 million, Nov. 2002); *In re Lorazepam & Clorazepate Antitrust Litig.*, MDL No. 1290, 99-ms-00276-TFH (D.D.C.) (Chief Judge Thomas F. Hogan) (settled for \$37 million, Jun. 2003); *In re Methionine Antitrust Litig.*, MDL No. 1311, 3:00-md-01311-CRB (N.D. Ca.) (USDJ Charles R. Breyer) (settled for \$107 million, Jun. 2003); *Oncology & Radiation Associates, P.A. v. Bristol-Myers Squibb Company & American Bioscience*, 1:01-cv-02313-EGS (D.D.C.) (USDJ Emmet G. Sullivan) (settled for \$65.8 million, Oct. 2003); *In re Relafen Antitrust Litig.*, 01-cv-12239 (D. Mass.)-*Meijer, Inc. v. SmithKline Beecham*, 01-cv-12239-WGY (D. Mass.) (Chief Judge William G. Young) (settled for \$175 million, Apr. 2004); *In re Microcrystalline Cellulose Antitrust Litig.*, MDL No. 1402, 01-cv-00111-TNO (E.D. Pa.) (USDJ Thomas N. O’Neill Jr.) (settled for \$50 million, Nov. 2006); *In re Plastics Additives Antitrust Litig.*, MDL No. 1684, 03-cv-02038-LDD (E.D. Pa.) (USDJ Legrome D. Davis) (settled for \$46.8 million, Jun. 2008); *In re Remeron Direct Purchaser Antitrust Litig.*, Master Docket 02-2007-FSH (D.N.J.) (settled for \$75 million, Nov. 2005)-*Meijer, Inc. v. Organon, Inc.*, 2:03-

successfully managed those cases with collegiality, effectiveness, and efficiency, in accordance with the letter and spirit of Rule 1.

In the data breach class action field, as one of the two co-lead counsel in *In re Morgan Stanley Data Security Litigation* (S.D.N.Y.), Ms. Nussbaum recently led the effort to secure a \$60 million non-reversionary cash fund and additional settlement benefits valued at over \$8 million for 15 million class members. The settlement was novel, creative and tailored to address the specific facts of that case, including attaining Morgan Stanley's commitment to hire experts to continue an effort to recover missing IT devices involved in the breach. The settlement secured financial account monitoring for the entire class for ten years. In that case, Plaintiffs' counsel served twenty third-party subpoenas; worked with several cyber forensic experts on complex forensic analyses of the evidence; conquered many unique factual features of the case; overcame an aggressive defense that included vigorous attacks for lack of Article III standing; and negotiated with challenging objectors to the settlement, in a relentless effort to hold Morgan Stanley to account for the breach. The result was a ground-breaking settlement, achieved in record time, and which was one of the highest, if not the highest, recovery in a data security class action on a per class member basis. At the final approval hearing, S.D.N.Y. Judge Paul A. Engelmayer remarked that Plaintiffs were represented by "first-rate lawyers."

Ms. Nussbaum has extensive up-to-the-moment experience in the unique factual and legal developments, defenses and issues surrounding the breach personally identifiable healthcare data (PHI) and HIPAA law. In *In re American Medical Collection Agency, Inc., Customer Data Security*

cv-0085-FSH (D.N.J.) (USDJ Faith S. Hochberg); *In re Foundry Resins Antitrust Litig.*, MDL No. 1638, 04-md-01638-GLF (S.D. Ohio) (USDJ Gregory L. Frost) (settled for \$14.1 million, Mar. 2008); *North Shore Hematology-Oncology Associates, P.C. v. Bristol-Myers Squibb Co.*, 1:04-cv-00248-EGS (D.D.C.) (USDJ Emmet G. Sullivan) (settled for \$50 million, Nov. 2004); *In re Children's Ibuprofen Oral Suspension Antitrust Litig.*, 1:04-mc-00535-ESH (D.D.C.)-*Meijer, Inc. v. Perrigo Company and Alpharma Inc.* (D.D.C.) (USDJ Ellen S. Huvelle) (settled for \$9.7 million, Apr. 2006); *In re Rubber Chemicals Antitrust Litig.*, 04-md-01648 (N.D. Ca.) (USDJ Maxine M. Chesney) (settled for \$319.5 million, Nov. 2006); *Meijer, Inc. v. Warner Chilcott Holdings Co. III, Ltd.*, 05-cv-02195-CKK (D.D.C.) (USDJ Colleen Kollar-Kotelly) (settled for \$22 million, Apr. 2009); *In re DDAVP Direct Purchaser Antitrust Litig.*, 05-cv-02237-CS (S.D.N.Y.) (USDJ Cathy Seibel) (settled for \$30.25 million, Nov. 2011); *Meijer, Inc. v. Abbott Laboratories*, 07-cv-05985-CW (N.D. Ca.) (USDJ Claudia Wilkin) (settled for \$52 million, Aug. 2011); *Meijer, Inc. v. Braintree Laboratories, Inc.*, 07-cv-00143 (D. Del.) (Special Master B. Wilson Redfearn); *Castro v. Sanofi Pasteur, Inc.*, 2:11-cv-07178-JMV-JBC (D.N.J.) (USDJ Jose L. Linares) (settled for \$61.5 million); *Meijer, Inc. v. Warner Chilcott Public Limited Company*, 12-cv-03824-PSD (E.D. Pa.) (USDJ Paul S. Diamond); *In re Aluminum Warehousing Antitrust Litig.*, 1:13-md-02481-PAE (S.D.N.Y.) (USDJ Paul A. Engelmayer); *In re Zinc Antitrust Litig.*, 2:14-cv-03728-PAE (S.D.N.Y.) (USDJ Paul A. Engelmayer); *IV Saline Solutions Antitrust Litig., Washington County Health Care Authority, Inc. v. Baxter International Inc.*, 1:16-cv-10324-JJT (N.D.Ill.) (USDJ John J. Tharp Jr.); *In re Outpatient Medical Center Employee Antitrust Litig.*, 1:21-cv-00305-ARW-SRH (N.D. Ill.); *In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litig.*, 1:19-md-2895-CFC (D. Del.); *In re Actos Direct Purchaser Antitrust Litig.*, 1:13-cv-09244-RA-SDA (S.D.N.Y.); and *In re Vascepa Antitrust Litig. Direct Purchaser Plaintiffs*, 3:21-cv-12747-ZNQ-LHG (D.N.J.).

Breach Litigation, MDL 2904 (D.N.J.), Ms. Nussbaum serves as co-lead counsel of the LabCorp Track, coordinating with a structure of counsel for three other defendant tracks, in a case involving the breach of a “Business Associate” of the covered entity LabCorp. This hard-fought healthcare breach litigation on behalf of a putative class of over 10 million LabCorp patients has almost completed fact discovery and, when certain discovery disputes are resolved, will move to expert discovery and class certification.

Ms. Nussbaum served as Co-Lead Counsel for the Class in *Nanette Katz, et al. v. Einstein Healthcare Network*, Class Action Case ID No. 21040204, Philadelphia Court of Common Pleas, First Judicial District of Pennsylvania. That data breach case involved the compromised PII and PHI of patients of a number of hospitals in Philadelphia. That case was settled in September 2022. Ms. Nussbaum recently served as Co-Lead Class Counsel for a class of over 20 million Wawa customers victimized by a data breach in *In re Wawa, Inc., Data Security Litig.*, Civil Action No. 2:19-cv-06019-GEKP (E.D.Pa.). Judge Gene E.K. Pratter granted final approval of the settlement in Wawa on April 20, 2022, which settlement is presently under appeal.

Ms. Nussbaum is currently serving as Co-Lead Class Counsel for a certified Rule 23(b)(2) putative class of merchants who accept credit cards in a two-decade-long antitrust litigation challenging supra-competitive merchant fees brought against Visa, Mastercard and the major national banks in *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litig.*, 1:05-md-01720-MKB-VMS (E.D.N.Y.). She is Co-Lead Class Counsel in cutting-edge labor litigation representing a putative class of employees challenging anticompetitive “no poach” agreements in *In re Outpatient Medical Center Employee Antitrust Litig.*, 1:21-cv-00305-ARW-SRH (N.D. Ill.).

Ms. Nussbaum was selected “Litigator of the Week” by the AMLAW LITIGATION DAILY for her lead trial counsel role in *Kaiser Foundation Health Plan, Inc. and Kaiser Foundation Hospitals v. Pfizer, Inc.* (D. Mass) where, following six years of litigation, after a six-week trial in Boston, a jury returned a RICO verdict for her clients. The jury returned a verdict for her client, Kaiser, for over \$47 million, which was statutorily trebled to over \$142 million. Following the trial, Judge Patti Saris commented that: “[this was] a fabulous trial[.] [I]t’s the kind of thing that you become a judge to sit on.” Ms. Nussbaum was also co-lead and trial counsel for a class of antitrust plaintiffs in *Meijer, Inc. v. Abbott Laboratories* (N.D. Cal.). She was named as a finalist for Public Justice Foundation’s 2011 Trial Lawyer of the Year award. She has repeatedly been selected by Global Competition Review as being among the world’s leading competition lawyers.

Ms. Nussbaum has lectured extensively about various aspects of antitrust and class action law at the American Antitrust Institute Private Enforcement Conference, and the American Bar Association, Section of Antitrust Law Spring Meetings. She has been a member of the American Law Institute (ALI) for over 15 years, and is a long-time advisory board member of the American Antitrust Institute. She is also on the Board of Savvy Ladies, a not-for-profit women’s legal and financial resource organization.

Recently, Judge Paul A. Engelmayer in approving the settlement and fee in *In re Zinc Antitrust Litigation*, 14 Civ. 3728 complimented Ms. Nussbaum and her co-lead counsel stating:

I have been truly impressed by counsel’s work in the case. I wish the caliber of lawyering in this case was the model for all cases before me.

Ms. Nussbaum is presently serving in the following leadership positions:

- *In re Fragrance Direct Purchaser Antitrust Litigation*, No. 23-2174-WJM (D.N.J.) (Lead).
- *In re American Medical Collection Agency, Inc., Customer Data Security Breach Litigation*, MDL 2904 (D.N.J.) (Lead)
- *In re Wawa, Inc. Data Security Litigation* (E.D.Pa.) (Lead)
- *Nanette Katz, et al. v. Einstein Healthcare Network* (Class Action Case ID No. 21040204, Philadelphia Court of Common Pleas, First Judicial District of Pennsylvania) (Lead)
- *In re Samsung Customer Data Security Breach Litigation* (D.N.J.) (Chair of Discovery)
- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.) (Lead)
- *In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litigation* (D. Del) (Lead)
- *In re Actos Direct Purchaser Antitrust Litigation* (S.D.N.Y.) (Lead)
- *In re Generic Drugs Pricing Antitrust Litigation* (E.D. Pa.) (Plaintiff Steering Committee)
- *In re Bank of Nova Scotia Spoofing Litigation* (D.N.J.) (Lead)
- *In re Outpatient Medical Center Employee Antitrust Litigation* (N.D. Ill.) (Lead)
- *In re Vascepa Antitrust Litigation Direct Purchaser Plaintiffs* (D.N.J.) (Lead)
- *In re CentraState Healthcare Data Security Incident Litigation* (Superior Court of New Jersey Law Division: Monmouth County) (Lead)
- *In re Independent Living Systems Data Breach Litigation* (S.D. Florida) (Plaintiffs Executive Committee)
- *In re Data Breach Security Litigation Against Caesars Entertainment, Inc.*, (D. Nevada) (Plaintiffs' Steering Committee)
- *In re Perry Johnson & Associated Medical Transcription Data Security Breach Litigation* (E.D.N.Y.) (Northwell Health lead)

Ms. Nussbaum received her B.A. *magna cum laude* from Brooklyn College, her Juris Doctor with honors from the National Law Center, George Washington University Law School, and her LLM in Taxation from New York University Law School.

OF COUNSEL: SUSAN R. SCHWAIGER

Susan Schwaiger practices in the areas of antitrust, data breach, commodities manipulation, and employee “no poach” litigation, with experience in cases involving a wide variety of industries including banking and financial services, pharmaceuticals, health care and chemicals. Ms. Schwaiger has worked closely with Linda Nussbaum for over 25 years and played a significant role in many of the cases in which Ms. Nussbaum served as lead counsel including:

- *In re Morgan Stanley Data Security Litigation* (S.D.N.Y.)
- *In re American Medical Collection Agency, Inc., Customer Data Security Breach Litigation*, MDL 2904 (D.N.J.)
- *In re Outpatient Medical Center Employee Antitrust Litigation* (N.D. Ill.)
- *In re Lorazepam & Clorazepate Antitrust Litigation* (D.D.C.)
- *In re Microcrystalline Cellulose Antitrust Litigation* (E.D. Pa.)
- *In re Plastics Additives Antitrust Litigation* (E.D. Pa.)

- *In re Foundry Resins Antitrust Litigation* (S.D. Ohio)
- *In re Rubber Chemicals Antitrust Litigation* (N.D. Cal.)

In addition, Ms. Schwaiger has, with Ms. Nussbaum, represented large companies in *In re Payment Card Interchange Fee and Merchant Antitrust Litig.* (E.D.N.Y.) and *In re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.). Ms. Schwaiger graduated from the University of Tennessee (Knoxville) with a Bachelor of Science degree from the College of Arts and Sciences in 1971. She received a M.A. degree from the University of Kentucky (Lexington) in 1973. She received her Juris Doctor, *cum laude*, from Brooklyn Law School in 1992, where she was a member of the BROOKLYN LAW REVIEW.

OF COUNSEL: PETER E. MORAN

Peter Moran focuses his practice on antitrust cases in the financial marketplace and pharmaceutical industry, where he handles all stages of litigation from investigation and inception through trial. Prior to joining the firm, Mr. Moran was an associate with an international law firm in New York City in its Global Competition and Commercial Litigation groups where he represented commercial clients on a variety of antitrust and complex commercial litigation issues, including violations of the federal and state antitrust and consumer protection laws, antitrust compliance, internal investigations, individual civil and criminal liability and responding to federal and foreign regulators. Mr. Moran received a B.A. degree in English from the State University of New York at Albany. He graduated *cum laude* from Brooklyn Law School in 2009, where he was a member of the BROOKLYN LAW SCHOOL JOURNAL OF INTERNATIONAL LAW and Moot Court Honor Society and recipient of several academic awards.

OF COUNSEL: JONATHAN J. ROSS

Jonathan Ross focuses his practice on antitrust class actions. Prior to joining the firm, Mr. Ross litigated intellectual property matters in class and non-class actions. Mr. Ross has also litigated numerous copyright and trademark disputes. Earlier in his career, Mr. Ross also served as an attorney in the Special Federal Litigation Division of the New York City Law Department, where he litigated class actions arising from civil rights demonstrations. Mr. Ross received a B.A. degree in Social and Behavioral Sciences from The Johns Hopkins University. He received his Juris Doctor from Brooklyn Law School in 1993.

OF COUNSEL: ROBERT J. AXELROD

Robert J. Axelrod practices in the area of antitrust litigation. Previously, he was a partner at a major class action firm practicing in the areas of antitrust, securities and ERISA litigation. While there, he was co-lead counsel for *AMA v. United Healthcare*, and had responsibility for *In re Sorbates Antitrust Litigation* and *In re Flat Glass Antitrust Litigation*. With co-counsel, he tried two cases to successful verdict, against American Medical Security and Blue Cross Blue Shield of Rhode Island. He also was responsible for discovery and briefing in *In re Blue Cross Blue Shield Antitrust Litigation*. In his career, Mr. Axelrod has taken and defended hundreds of depositions. Mr. Axelrod graduated with a B.A. degree from Temple University *magna cum laude* in 1983 and a M.A. degree in 1985. He graduated from Brooklyn Law School in 1995 and was a member of the BROOKLYN LAW REVIEW.

ASSOCIATE: BRETT LEOPOLD

Brett Leopold is an associate at Nussbaum Law Group. Before joining the firm, Mr. Leopold worked with other prominent plaintiffs' class action firms in New York on antitrust and data breach class litigation. Brett's background, spanning twenty years in legal practice, includes complex commercial/securities fraud, commodities manipulation, privacy and data breach actions and pharmaceutical antitrust matters. Mr. Leopold obtained a B.A. degree in Political Science from Emory University in 1992 and graduated from St. John's University School of Law in 1995.

ASSOCIATE: JAMES T. PERELMAN

James Perelman is an associate at Nussbaum Law Group. Prior to joining the firm, Mr. Perelman worked with several prominent plaintiffs' class action firms, working specifically on pharmaceutical antitrust matters. Previously, he served as a Judicial Fellow in the Court of Common Pleas of Philadelphia County, Civil Trial Division. Mr. Perelman received his B.A. degree in Politics from Brandeis University in 2010 and received his Juris Doctor in 2014 from Tulane University Law School, where he was the Business Editor of the TULANE JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW.

CHIEF OPERATING OFFICER: ZACH SHUTRAN

Zach Shutran leads all administrative and operational functions of the firm. He also plays a significant role in the firm's e-discovery efforts. Mr. Shutran received his B.A. degree from Colgate University in 2012 and his Juris Doctor from Brooklyn Law School in 2018.

PARALEGAL: STEPHY ZHAO

Stephy is an experienced paralegal at Nussbaum Law Group. Prior to joining the firm, Stephy was a legal assistant at a boutique law firm specialized in corporate litigation. Stephy received her PCCE Core Registered Paralegal from National Federation of Paralegal Associations in 2023. She received her B.A. in English from the University at Albany in 2018.