

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN KARPILOVSKY and JIMMIE
CRIOLLO, JR., *individually and on behalf of
all others similarly situated,*

Plaintiffs,

v.

ALL WEB LEADS, INC., a Delaware
corporation,

Defendant.

Case No. 1: 17-cv-01307

Hon. Harry D. Leinenweber

**DECLARATION OF GARY M. KLINGER IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

I, Gary M. Klinger, declare as follows:

1. I am a Partner in the law firm of Kozonis & Klinger, Ltd., and one of the lead attorneys for Plaintiffs and the Class in this matter. I respectfully submit this declaration in support of Plaintiffs' motion for attorneys' fees, costs and service awards. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so.

2. I was actively involved in key aspects of litigation in this case, including developing case strategy, discovery work, taking depositions, review and analysis of data and documents, and the general prosecution of Plaintiffs' claims. I also additionally participated in settlement negotiations and strategy, participated in the mediation process, and contributed on preparing the proposed settlement agreement and motion for preliminary approval.

3. Prior to forming my current firm, I worked as an attorney at several prestigious national law firms including, Schiff Hardin, LLP, Riley Safer Holmes & Cancila LLP, and

Cozen O'Connor P.C., where I focused on complex and class action litigation involving consumer, insurance, product liability, and privacy matters.

4. In early-2017, I joined Kozonis & Klinger, Ltd. where I established and lead the firm's class action litigation practice. This firm concentrates on class action work on the plaintiff-side. We focus on consumer and privacy class actions involving wide-ranging theories such as consumer fraud, breach of contract and privacy violations.

5. Throughout my legal career working on the defense-side and plaintiff-side of class actions, I have worked on numerous cases involving consumer and privacy statutes, including, but not limited to, the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA"), the Fair and Accurate Credit Transactions Act, 15 U.S.C. § 1681 ("FACTA"), and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"). In addition, I have actively and successfully helped bring a resolution to numerous class action lawsuits, including several lawsuits brought under the TCPA. Some of the class action cases I have worked on and/or successfully resolved include, but are not limited, to the following: *Jennifer Smith v. State Farm Mutual Automobile Insurance Company, et al.*, Case No. 1:13-cv-2018 (N.D. Ill.); *Katrina Jochan v. State Farm Mutual Automobile Insurance Company, et. al.* Case No. 1:15-cv-04326 (N.D. Ill.) (Leinenweber, J.); *Ray Burk v. State Farm Fire and Casualty Company*, Case No. 14-cv-02642-PHX-GMS (D. Az.); *Andy Aguilar v. State Farm Mutual Automobile Insurance Company*, Case No. 16-cv-01211 (C.D. Ill.); *Penny Kim v. State Farm Mutual Automobile Insurance Company*, Case No. 2015-CH-08655 (Circuit Court of Cook County, Illinois); *Joanne Sweis v. State Farm Mutual Automobile Insurance Company*, Case No. 2015-CH-18757 (Circuit Court of Cook County, Illinois); *Ghose Inc. v. 7 Eleven, Inc.*, Case No. 2012-CH-04114 (Circuit Court of Cook County, Illinois); *Andrea Schumacher v. State Automobile*

Insurance Company, Case No. 13-cv-00232 (S.D. Ohio); *Andrew Block v. Lifeway Foods, Inc.*, Case No. 17-cv-01717 (N.D. Ill.); *David Chavez v. Church & Dwight Co., Inc.*, Case No. 17-cv-01948 (N.D. Ill.); *Craftwood Lumber Company v. CMT USA, Inc.*, Case No. 14-cv-06864 (N.D. Ill.); *Amanda LaBrier v. State Farm Fire and Casualty Company*, Case No. 15-cv-04093 (W.D. Mo.); *Jeff Dennington v. State Farm Fire and Casualty Company*, Case No. 14-cv-04001 (W.D. Ak.); *Frank Selby v. State Farm Mutual Automobile Insurance Company*, Case No. 2010-CH-43684 (Circuit Court of Cook County, Illinois); *Timothy O'Sullivan v. iSpring Water Systems, LLC*, Case No. 17-cv-2237 (N.D. Ga.); *Michael Noonan v. Progressive Laboratories, Inc.*, Case No. 17-cv-05203 (N.D. Ill.); *Samuel Barrera v. Guaranteed Rate, Inc.*, Case No. 17-cv-05668 (N.D. Ill.); *In re Auto Body Shop Antitrust Litigation*, Case No. 14-md-02557 (M.D. Fla.); *Kevin Pine v. A Place for Mom, Inc.*, 2:17-cv-01826 (W.D. Wa.).

6. In fact, I am co-lead counsel in at least twenty (20) different federal class action cases filed under the Telephone Consumer Protection Act, which are pending in District Courts across the country.

7. In addition to concentrating my practice on complex and class action litigation involving consumer, insurance, product liability, and privacy matters, I also make substantial efforts to keep abreast of the current law on these issues. In recent years, I have attended various legal training seminars and conferences such as the dri™ conference for Class Actions as well as attended various seminars offered by Strafford on class action issues. I am also a member of the International Association of Privacy Professionals.

8. I graduated from the University of Illinois at Urbana-Champaign in 2007 (B.A. Economics), and from the University of Illinois College of Law in 2010 (J.D., *cum laude*). While at the U of I College of Law, I was a member of, and ultimately appointed as the

Executive Editor for, the Illinois Business Law Journal. My published work includes: *The U.S. Financial Crisis: Is Legislative Action the Right Approach?* March 2, 2009. The Illinois Business Law Journal.

9. I became licensed to practice law in the State of Illinois in 2010, and am a member of the Trial bar for the Northern District of Illinois. I am also a member of the U.S. Bankruptcy Court for the Northern District of Illinois as well as the Central District of Illinois. I am also a member of the Illinois State Bar Association.

10. Since the filing of this case, my firm has litigated vigorously on behalf of the class, expending substantial resources. Kozonis & Klinger, Ltd. expended a total of \$85,104.50 in costs and expenses in prosecuting this action to date, including expert fees, mediation, deposition transcripts and videographer fees, travel for depositions and meetings and discovery-related costs, such as service of subpoenas.

11. In my view, the proposed Settlement is fair and reasonable, and in the best interest of the Class Members. Moreover, neither the U.S. Attorney General nor any state attorney general has yet contacted my office or otherwise objected to the proposed fee award, and we have received no objection to the Settlement by any Class Member to date.

12. Moreover, the fees requested are consistent with the terms outlined in my firm's representation agreements for cases in this District, including for this case, and elsewhere, which generally fall within the one-third to 40% range.

13. Finally, I believe the proposed incentive awards to Plaintiffs are fair and reasonable. In addition to lending their names to this matter, and thus subjecting themselves to public attention, Plaintiffs were actively engaged in this Action. Among other things, they (1) provided information to Class Counsel for the complaint and other pleadings; (2) reviewed

pleadings and other documents, including the complaint; (3) communicated on a regular basis with counsel and kept himself informed of progress in the litigation and settlement negotiations; (4) reviewed and approved the proposed settlement; and – most significantly – (5) submitted to extensive discovery, including the depositions.

* * *

I declare under penalty of perjury of the laws of Illinois and the United States that the foregoing is true and correct, and that this declaration was executed in Chicago, Illinois on June 7, 2019.

/s/ Gary M. Klinger
Gary M. Klinger