

Return Date: No return date scheduled
Hearing Date: No hearing scheduled
Courtroom Number: No hearing scheduled
Location: No hearing scheduled

FILED
12/16/2019 11:42 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2019CH06737

CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

IAN OLSEN; ADAM HANEY; SHARON
MOTLEY; and MEMARY LAROCK,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

CONTEXTLOGIC INC.,

Defendant.

Case No. 2019CH06737

Calendar: 6

Hon. Celia G. Gamrath

7753724

**DECLARATION OF EUGENE Y. TURIN IN SUPPORT OF PLAINTIFFS' UNOPPOSED
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Eugene Y. Turin, hereby aver, pursuant to 735 ILCS 5/1-109, that I am fully competent to make this Declaration, that I have personal knowledge of all matters set forth herein unless otherwise indicated, and that I would testify to all such matters if called as a witness in this matter.

1. I am an adult over the age of 18 and a resident of the state of Illinois. I am an attorney with the law firm McGuire Law, P.C., I am licensed to practice law in the state of Illinois, and I am one of the attorneys representing Plaintiffs and the putative class in this matter. I am fully competent to make this Declaration and make this Declaration in support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement being submitted to this Court.

2. McGuire Law, P.C. is a litigation firm based in Chicago, Illinois that focuses on class action litigation, representing clients in state and national class actions in both state and federal trial and appellate courts throughout the country.

3. I and the other attorneys of McGuire Law have regularly engaged in complex litigation on behalf of consumers and have extensive experience in class action lawsuits similar in size and complexity to the instant case. McGuire Law attorneys have been appointed as class

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counsel in numerous complex consumer class actions, including similar class actions involving violations of the TCPA, in state and federal courts across the country. *See, e.g., McFerren et al., v. AT&T Mobility, LLC* (Sup. Ct. Fulton County, Ga. 2008); *Gray et al. v. Mobile Messenger Americas, Inc. et al.* (S.D. Fla. 2008); *Sims et al. v. Cellco Partnership et al.* (N.D. Cal. 2009); *Van Dyke et al. v. Media Breakaway, LLC et al.* (S.D. Fla. 2009); *Paluzzi, et al. v. mBlox, Inc., et al.* (Cir. Ct. Cook County, Ill. 2009); *Valdez et al. v. Sprint Nextel Corporation* (N.D. Cal. 2009); *Ryan et al. v. Snackable Media, LLC* (Cir. Ct. Cook County, Ill. 2011); *Parone et al. v. m-Qube, Inc. et al.* (Cir. Ct. Cook County, Ill. 2010); *Williams et al. v. Motricity, Inc. et al.* (Cir. Ct. Cook County, Ill. 2011); *Walker et al. v. OpenMarket, Inc. et al.* (Cir. Ct. Cook County, Ill. 2011); *Schulken et al. v. Washington Mutual Bank, et al.* (N.D. Cal. 2011); *In re Citibank HELOC Reduction Litigation* (N.D. Cal. 2012); *Rojas v. Career Education Corp.* (N.D. Ill. 2012); *Murray et al. v. Bill Me Later, Inc.* (N.D. Ill. 2014); *Gomez et al v. Campbell-Ewald Co.* (C.D. Cal. 2014); *Manouchehri, et al. v. Styles for Less, Inc., et al.* (S.D. Cal. 2016); *Valladares et al. v. Blackboard, Inc. et al.* (Cir. Ct. Cook County, Ill. 2016); *Hooker et al v. Sirius XM Radio, Inc.* (E.D. Va. 2017); *Flahive et al v. Inventurus Knowledge Solutions, Inc.* (Cir. Ct. Cook County, Ill. 2017); *Serrano et al. v. A&M (2015) LLC* (N.D. Ill. 2017); *Vergara et. al. v. Uber Technologies, Inc.* (N.D. Ill. 2018); *Kovach et al v. Compass Bank* (Cir. Ct. Jefferson County, AL 2018).

4. The attorneys of McGuire Law have intimate knowledge of the law in the field of telecommunications and cellular telephony. Recognized as pioneers in the field of consumer class actions involving such claims brought under the TCPA, McGuire Law attorneys have served as counsel of record for groundbreaking TCPA rulings involving cellular telephony obtained at the federal district and appellate court levels, as well as at the U.S. Supreme Court. *See, e.g., Shen et al. v. Distributive Networks, Inc.* (N.D. Ill. 2007); *Weinstein et al. v. The Timberland Co., et al.*

(N.D. Ill. 2008); *Satterfield et al. v. Simon & Schuster* (N.D. Cal. 2010); *Espinal et al. v. Burger King Corporation et al.* (S.D. Fla. 2010); *Lozano v. Twentieth Century Fox* (N.D. Ill. 2011); *Kramer et al. v. Autobytel et al.* (N.D. Cal. 2011); *Rojas et al. v. Career Education Co.* (N.D. Ill. 2012); *Ellison et al. v. Steven Madden, Ltd.* (C.D. Cal. 2013); *Robles et al. v. Lucky Brand Dungarees, Inc. et al.* (N.D. Cal. 2013); *Pimental et al. v. Google, Inc. et al.* (N.D. Cal. 2013); *In re Jiffy Lube Spam Text Litigation* (S.D. Cal. 2013); *Lee et al. v. Stonebridge Life Ins. Co. et al.* (N.D. Cal. 2013); *Valladares et al v. Blackboard, Inc.* (N.D. Ill. 2015); *Campbell-Ewald Co. v. Jose Gomez*, 136 S. Ct. 663 (2016).

5. I regularly engage in major complex litigation on behalf of consumers and have extensive general experience in consumer class action lawsuits. I have represented plaintiffs in dozens of large class action lawsuits relating to the TCPA and have been appointed class counsel in numerous such cases. *See, e.g., Valladares v. Blackboard, Inc. et al.*, No. 2016-CH-06482 (Cir. Ct. Cook Cnty. 2017); *Seal v. RCN Telecom Services, LLC*, No. 2016-CH-07073 (Cir. Ct. Cook Cnty. 2017); *Zeidel v. A&M (2015), LLC*, No. No. 13-cv-06989 (N.D. Ill. 2018). I have extensive experience in litigating class action cases in state, federal and appellate courts, and have been significantly involved, if not the primary lead attorney, in over 20 class action suits across the country. *See, e.g., Spencer v. Kohl's Department Stores, Inc.*, No. 14-cv-01646 (D. Nev.); *Elikman v. Sirius XM Radio, Inc.*, No. 15-cv-02093 (N.D. Ill.); *Abdallah v. FedEx Corp. Servs.*, No. 16-cv-03967 (N.D. Ill.); *Prather v. Wells Fargo Bank, N.A.*, No. 17-cv-00481 (N.D. Ill.); *Bazer v. Brew Dr. Kombucha, LLC*, No. 18-cv-02560 (N.D. Ill.).

6. I received my B.A. from Loyola University Chicago and graduated from the Loyola University Chicago School of Law in 2014.

7. My colleague, Evan M. Meyers, received his B.A. from the University of Michigan and graduated from the University of Illinois College of Law in 2002. In addition to his experience with scores of class actions, Mr. Meyers has extensive experience in complex commercial litigation and has regularly litigated cases in state and federal trial and appellate courts across the nation, including in the Northern District of Illinois and the U.S. Supreme Court. *See, e.g., Campbell-Ewald Co. v. Jose Gomez*, 136 S. Ct. 663 (2016).

8. Myles McGuire is the Managing Partner of McGuire Law. Mr. McGuire has been recognized as a leader in class actions and technology law by his peers and courts around the country and has been appointed lead counsel in numerous state and federal class actions. Mr. McGuire has successfully prosecuted claims on behalf of his clients in numerous trial and appellate courts at both the state and federal levels throughout the country involving consumer fraud, unfair competition, invasion of privacy, false advertising and breach of contract, among others. Mr. McGuire is a graduate of Marquette University and Marquette University Law School, and is admitted to practice in the Northern District of Illinois, the U.S. Supreme Court, and in other federal courts around the country. Prior to founding McGuire Law, P.C. in 2013, Mr. McGuire was a managing member of Edelson McGuire, LLC.

9. Counsel for Plaintiffs and for Defendant have expended significant efforts to reach a settlement in this matter, including but not limited to fully briefing and prevailing on Defendant's motion to compel arbitration, exchanging information regarding Defendant's text messaging platform, participating in arms-length negotiations, and discussing the appropriate remedies for potential class members. After a full-day mediation session before the Hon. Wayne R. Andersen (Ret.), which included adversarial and contentious negotiations, the Parties finally reached an agreement in principle that is now being submitted to the Court for final approval.

10. Following the mediation with Judge Andersen, the Parties engaged in confirmatory discovery and several months of further negotiations regarding the contours of the settlement agreement and attendant documents, including the relief provided to the Settlement Class Members, the notice plan, and the scope of release, before executing the Settlement Agreement submitted herewith to this Court. The Parties did not decide upon an amount of attorneys' fees or incentive award until after agreeing upon the relief to be provided to the Settlement Class.

11. On September 24, 2019, this Court granted preliminarily approval of the Settlement Agreement. In accordance with the Court's order, the Parties and the Settlement Administrator, KCC, LLC ("KCC"), began the process of effectuating the Notice Plan approved by the Court.

12. The Settlement Class has overwhelmingly approved the Settlement Agreement reached in this matter. As attested to by KCC, more than 65,000 Settlement Class Members have submitted claims to date. More importantly, there have been no valid objections to the Settlement Agreement or the attorneys' fees and incentive award sought.

13. I, along with the other attorneys of my firm, have concluded that the Settlement Agreement reached in this matter is fair, reasonable and adequate in light of the attendant risks of protracted litigation, and warrants final approval. While I believe that the merit of Plaintiffs' claims could and would be proven at trial, I recognize the substantial risk and inherent uncertainty which continued litigation imposes on Plaintiffs and the absent Settlement Class Members. Based on the extensive investigation, discovery, and litigation that has occurred in this matter, together with years of experience prosecuting similar litigation in courts in Illinois and nationwide, I believe that the Settlement Agreement reached in this matter is in the best interests of Plaintiffs and the other Settlement Class Members involved.

14. Class Counsel's opinion that the Settlement Agreement should be finally approved is also based on the overwhelming support for the Settlement Agreement expressed by the Settlement Class Members themselves. The fact that practically every single Class Member received direct notice and that not a single Settlement Class Member has filed an objection to the Settlement, together with the large number of claims already filed by the Settlement Class, further demonstrates that final approval of the Settlement Agreement is appropriate.

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

Executed on December 16, 2019 in Chicago, Illinois.

/s/ Eugene Y. Turin
Eugene Y. Turin, Esq.