

IN THE CIRCUIT COURT FOR ST. LOUIS CITY, MISSOURI

M.W., D.L., T.K. and ELIZABETH
TAGUE, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ST. LOUIS UNIVERSITY, d/b/a SAINT
LOUIS UNIVERSITY and SSM-SLUH,
INC.

Defendants.

Case No. 2422-CC00888

**JOINT DECLARATION IN SUPPORT OF UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT**

We, Maureen Brady, Jeff Ostrow, and Andrew Shamis, declare:

1. We are counsel of record for Plaintiffs, M.W., D.L., T.K., and Elizabeth Tague, and the proposed Settlement Class¹ in the above-captioned matter. We submit this Joint Declaration in support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement. Unless otherwise noted, we have personal knowledge of the facts set forth in this declaration and could and would testify competently to them if called upon to do so.

2. This Action arises out of Defendants' inadequate security practices that led to the unauthorized disclosure of 88,686 current and former students', employees', and other patients' Private Information, including addresses, dates of birth, telephone numbers, driver's license numbers, passport numbers, online credentials, digital signatures, email addresses, and Social Security numbers, and health insurance information, and other

¹The capitalized terms used herein shall have the same meanings as those defined in the Settlement Agreement, attached as Exhibit A to the Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement.

medical information.

3. As a result of the Data Incident, in March 2024, Defendants were named in three related actions with overlapping claims, seeking to represent the same putative class members, and arising out of the Data Incident. Then, the Plaintiffs in the three cases informally coordinated and agreed to work cooperatively.

4. On May 23, 2024, Plaintiffs filed their consolidated Petition against Defendants regarding the Data Incident. *See* Petition. Plaintiffs alleged, among other things, that Defendants' failures to safeguard the protected health information and/or personally identifiable information of Plaintiffs and the other current and former patients and students affected by the Data Incident. Specifically, Plaintiffs asserted counts against Defendants for breach of implied contract, negligence, invasion of privacy by public disclosure of private facts, breach of fiduciary duty of confidentiality, violations of the Missouri Merchandising Practices Act, negligent training and supervision, negligence *per se*. *Id.*

5. Before commencing this Action, Class Counsel investigated the potential claims, interviewed numerous potential plaintiffs, gathered information regarding the alleged misconduct, engaged in informal discovery, and conducted settlement negotiations with Defendants. Class Counsel have devoted substantial time and resources to this Action and will continue to do so.

6. Class Counsel expended significant resources researching and developing the legal claims. They are familiar with the claims as they have litigated and resolved other data breach cases with similar factual and legal issues. Class Counsel have experience in understanding the claims and damages at issue.

7. Plaintiffs and Class Counsel diligently litigated this matter. On November 25, 2024, the Parties participated in the all-day mediation and agreed to the essential terms of a settlement. Since that point, the Parties continued to negotiate the specific terms of the Agreement. Following extensive negotiation of the material settlement terms, the Parties

worked together to memorialize those terms in their comprehensive Agreement and the Notices to be provided to the Settlement Class.

8. There is plainly no collusion or fraud with respect to this proposed Settlement, which was reached after vigorous negotiation. The terms of the Settlement were reached during extensive arm's-length negotiations by experienced counsel after a thorough investigation and analysis.

9. Indeed, counsel on both sides are highly experienced in class action cases and have previously litigated (and resolved) data breach cases similar to this one. Class Counsel conducted a thorough investigation and analysis of Plaintiffs' claims and Defendants' defenses, enabling them to gain an understanding of the central questions in the case and the damages at issue, and prepared counsel for well-informed settlement negotiations.

10. Class Counsel negotiated while fully informed of the merits of Settlement Class members' claims and negotiated the proposed Settlement while zealously advancing the position of Plaintiffs and Settlement Class members and being fully prepared to continue to litigate rather than accept a settlement that was not in the best interest of Plaintiffs and the Settlement Class.

11. The Parties negotiated and reached agreement regarding attorneys' fees and costs only after reaching agreement on all other material terms of this Settlement.

12. The Settlement provides excellent benefits for the Settlement Class. Defendants agrees make available up to \$2,000,000.00 in cash to pay Settlement Class Members' claims. Each Settlement Class Member who submits a Valid Claim will receive one of the following payments: Cash Payment A or Cash Payment B. Additionally, Settlement Class Members may elect up to one year of three-bureau Credit Monitoring that will provide the following benefits: three-bureau credit monitoring, dark web monitoring, identity theft insurance coverage for up to \$1,000,000, and fully managed identity recovery services. Moreover, Plaintiffs have received assurances that Defendants have undertaken

reasonable steps to further secure their systems and environments

13. According to Defendants' records, there are 88,686 Settlement Class members whose information was accessed in the Data Incident and to whom Defendant SLU sent out notice letters.

14. At this preliminary stage, Class Counsel is unaware of any opposition to the Settlement.

15. Class Counsel has not been paid for their extensive efforts or reimbursed for litigation costs.

16. Class Counsel intends to request an award of attorneys' fees of up to \$700,00.00, as well as reimbursement of litigation costs incurred in connection with the Action. Such award is subject to this Court's approval and will serve to compensate for the time, risk and expense Class Counsel incurred pursuing claims for the Settlement Class. The Notice will inform the Settlement Class that Class Counsel will be seeking attorneys' fees in that amount and reasonable costs.

17. Class Counsel will seek up to \$2,500.00 Service Awards for each Class Representative. Subject to the Court's approval, those awards will separately compensate the Class Representatives for their time and effort and for the risks he assumed in prosecuting the Action. The Notice will inform the Settlement Class that Class Counsel will be seeking the Service Award and the amount of such award.

18. Class Representatives here are members of the Settlement Class of individuals whose Private Information was exposed in the Data Incident, were subject to Defendants' same alleged uniform policies and practices as the rest of the Settlement Class, and they are not seeking any relief which is potentially antagonistic to other Settlement Class Members.

19. Further, Plaintiffs clearly have the interests of Settlement Class Members in mind, as demonstrated by their willingness to sue on a classwide basis and serve as Class Representatives. Plaintiffs are not related to class counsel. Plaintiffs' interests are only

antagonistic to those of Defendants, not to Settlement Class members, as they are pursuing this action to seek recourse from Defendants.

20. Plaintiffs have shown their commitment to litigation by assisting Class Counsel in prosecuting the claims. Plaintiffs have served as effective class representatives as they have stayed in touch with counsel, responded to discovery, and made themselves available during mediation.

21. Class Representatives support the Settlement, as do Class Counsel and Defendants' Counsel.

22. Class Counsel believes that the above benefits fairly and adequately compensate Settlement Class Members for the harm they suffered, and considering the risks of litigation, represents an excellent result for the Settlement Classes.

23. There are no grounds to doubt the Agreement's fairness.

24. Plaintiffs and Class Counsel are confident in the strength of their case but are also pragmatic in their awareness of the various defenses available to Defendants, both on the merits and as to certification of litigation classes, and the risks inherent to litigation. Plaintiffs and the Settlement Class would have faced significant legal risks in this case.

25. Defendants have vigorously denied they were liable to Plaintiffs and the Settlement Class, and asserted various defenses which, if Defendants prevailed, may have precluded, or seriously limited, any recovery for Plaintiffs and the Class.

26. Genuine risks exist that Plaintiffs might not prevail at class certification or would lose at trial or on appeal.

27. Although Class Counsel believe the case is strong, it is subject to considerable risks and costs if the case is not settled. In particular, the law is unsettled as to what damages, if any, Plaintiffs may be entitled to regarding the Data Incident.

28. This class action was resolved early in the dispute in an effort to avoid unnecessary costs and expenses.

29. Here, further litigation would certainly result in considerable discovery and

fully briefed motions for class certification and summary judgment, and would prolong the risk, time, and expense associated with a complex trial, or trials, for damages. These further litigation costs are considerable In terms of both time and money but would not reduce the risks that the Action holds for the Settlement Class.

30. Considering the costs and risks of continued litigation, Class Counsel believes the Agreement to be in the Settlement Class Members' best interests.

31. Without the Settlement, Plaintiffs would have to survive a motion to dismiss, conduct substantial additional fact and expert discovery, succeed on the class certification motion as well as a possible interlocutory appeal by Defendants, and successfully oppose Defendants' likely motion for summary judgment. Plaintiffs and the Settlement Class also would have to succeed at trial and on any post-trial appeals, further extending the litigation. Thus, absent the Settlement, the action would likely continue for several years.

32. Such litigation would tax the court system and require a massive expenditure of public and private resources. The Settlement, on the other hand, provides substantial relief to Settlement Class Members without further delay.

33. The claims and defenses in this action are complex, as is clear by the record and Class Counsel's efforts in other class action cases that have been hard fought for years. Not only is this a consumer class action, but it is one involving the intersection of class action law with complex consumer protection laws. There is no doubt that continued litigation here would be difficult, expensive, and time consuming. The risks and obstacles in this case are just as great as those in other consumer class cases. This case would likely take many more years as well litigating in this Court and the appellate courts to successfully prosecute.

34. The proposed Settlement is the best vehicle for the Settlement Class Members to receive the relief to which they are entitled in a prompt and efficient manner.

35. The Settlement represents a fair and reasonable recovery for the Settlement Class given Defendants' defenses, and the challenging and unpredictable path of litigation

Plaintiffs and all Settlement Class Members would have faced absent the Settlement. Preliminary Approval is warranted.

36. If approved, the Settlement will bring certainty, closure, and significant and valuable relief to the Settlement Class instead of what otherwise would likely be contentious and costly litigation. The relief afforded by the Settlement is substantial for any Settlement Class member with out-of-pocket losses, and provides significant relief to the Settlement Class as a whole.

37. As stated previously, Class Counsel has significant experience in the litigation, certification, trial, and settlement of national class actions, including numerous claims regarding deceptive trade practices, through their active roles similar class actions throughout the country, many of which have settled and received final approval. *See* Class Counsel resumes, attached hereto as ***Exhibits 1-3***.

38. The Parties have retained the highly experienced firm, Eisner Advisory Group, LLC, as the Settlement Administrator. The Settlement Administrator selected by the Parties is an expert at these processes and has served in this capacity in other similar consumer class settlements. The Settlement Administrator will oversee the Notice Program, which is designed to provide the best notice practicable and is tailored to take advantage of the information Defendants has available about the Settlement Class.

39. The proposed Settlement Administrator is an experienced and reputable administrator mutually selected by the Parties.

40. The Notice and Notice Program constitute sufficient notice to all persons entitled to notice, satisfying all applicable requirements of law and constitutional due process.

41. The Notice Program will properly inform members of the Settlement Classes of the substantive terms of the Settlement. It is designed to reach a high percentage of the Settlement Class and exceeds the requirements of constitutional due process.

42. The Notice Program will make use of Defendants' business records to

provide direct Email Notice for whom Defendants maintained an email address, and Postcard Notice where necessary, to Settlement Class Members. Under the circumstances, this form of notice is the best notice practicable.

43. The numerosity requirement is satisfied because the Settlement Class consists of hundreds of thousands of customers. The Settlement Class is sufficiently numerous such that joinder of all such persons is impracticable.

44. The Settlement Class Members' claims arise from a common nucleus of facts and common legal issues also unite the members of the Settlement Class. The common controlling substantive issues include whether Defendants' data security practices were unreasonably lax and whether Plaintiffs' and Settlement Class Members' Private Information was exposed as a result of the Data Incident. The pertinent fact is that each person's information may have been accessed by an unauthorized third party and each person received a letter from Defendants notifying them of such.

45. Here, the Plaintiffs' claims stem from Defendants' alleged negligence, unjust enrichment, invasion of privacy, breach of fiduciary duty, and deceptive practices, at the expense of, uniformly, the Settlement Class.

46. Thus, class certification will obviate the need for unduly duplicative litigation that might result in inconsistent judgments concerning Defendants' policies and practices. Without a class, the Court would have to hear hundreds of thousands of additional individual cases raising identical questions of liability. In the interests of justice and judicial efficiency, it is desirable to concentrate the litigation of all Settlement Class Members' claims in a single forum.

47. Plaintiffs' interests are coextensive with, and not antagonistic to, the interests of the Settlement Class because Plaintiffs and absent Settlement Class Members have an equally great interest in the relief offered by the Settlement and no diverging interests. As discussed above, they are pursuing the same legal theories as the rest of the Settlement Class Members relating to the same course of Defendants' conduct. Plaintiffs seek

remedies equally applicable and beneficial to themselves and all other members of the Settlement Class. They have actively participated in the litigation.

48. Further, Class Counsel are competent and experienced in class actions, particularly data breach class actions, and are familiar with the strengths and weaknesses of the claims and defenses.

49. Using that litigation experience and their intimate knowledge of the facts of the case and the legal issues facing the Settlement Class Members, Class Counsel were capable of making, and did make, well-informed judgments about the value of the claims, the time, costs and expense of protracted litigation, discovery, and appeals, and the value of the Settlement reached and that the Settlement is fair, reasonable, and in the best interest of the Settlement Class.

50. Class Counsel have devoted substantial time and resources to vigorous litigation of the Action from inception through today, and they will continue to do so through the conclusion of Settlement administration.

51. Finally, a class action is superior to other available methods for fairly and efficiently adjudicating the controversy. Class treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of effort and expense that numerous individual actions would create, and there are no other actions of which Plaintiffs are aware regarding this matter. Also, it is undisputed that each class member's claim is small, making it economically infeasible to pursue the claims individually.

I declare under penalty of perjury that the foregoing is true of my own personal knowledge. Executed in Kansas City, Missouri, this 23rd day of January, 2025..

/s/ Maureen Brady
MAUREEN BRADY

I declare under penalty of perjury that the foregoing is true of my own personal

knowledge. Executed in Fort Lauderdale, Florida, this 23rd day of January, 2025.

/s/ Jeff Ostrow
JEFF OSTROW

I declare under penalty of perjury that the foregoing is true of my own personal knowledge. Executed in Miami, Florida, this 23rd day of January, 2025.

/s/ Andrew Shamis
ANDREW SHAMIS



Maureen M. Brady

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Professional Experience:

Managing Member/Owner, McShane & Brady, LLC, Kansas City, MO – April 2013 to present
Associate, Sanders Warren & Russell, LP, Overland Park, KS - October 2008 to April 2013
Law Clerk, Hon. Michael W. Manners, Independence, MO - October 2005 to October 2008

Multi District Litigation/Class Case Appointments:

T-Mobile Customer Data Security Breach Litigation: Western District of Missouri – MDL No. 3019 – Master Case No. 4:21-md-03019-BCW. Member of Executive Committee. Data breach case involving millions of customers personally identifiable information (\$500 million settlement)

T-Mobile Customer Data Security Breach Litigation: Western District of Missouri- MDL No. 2027 – Master Case No. 4:23-MD-03073-BCW. Appointed Liaison Counsel. Personal information was accessed by unauthorized individuals resulting in information being available on the dark web.

Mednax Services, Inc. Customer Data Security Breach Litigation: Southern District of Florida – 21-MD-02994-RAR. Appointed Co-Lead Counsel. Multidistrict Litigation (MDL) case of privacy/breach of fiduciary duty wherein thousands of patient medical records were released (ongoing litigation)

Skurauskis v. NationsBenefits: Southern District of Florida – 0:23-cv-60830-RAR. Member of the Executive Committee. Healthcare Data Breach involving millions of patient records and Protected Health Information. (ongoing litigation)

C.M. v. BetterHelp, Inc.: Northern District of California – 3:23-cv-01033-RS. Appointed Co-Lead Counsel. Healthcare Data Breach involving the disclosure of millions of mental health records and Protected Health Information. (ongoing litigation)

Johnson & Kirk v. Cornerstone National Insurance Co.: Western District of Missouri – 22:CV-04135-WJE. Appointed Liaison Counsel. Data breach by an unauthorized third party to run unauthorized searches of subscription databases. (\$500,000 settlement)

Maureen M. Brady

C.R v. Aetna: District Court of Connecticut – 3:23-cv-0635. Appointed to Executive Committee. A file transfer platform was hacked, resulting in the disclosure of personal identifiable information and protected health information. (ongoing litigation)

A.S. v. Anthem Insurance Companies & NationsBenefits: Southern District of Indiana- 1:23-cv-00693-TWP-MG. Lead Counsel. Unauthorized third party accessed and downloaded personal identifiable information and protected health information. (ongoing litigation)

Garland v. Dollar Tree: Middle District of Florida- 2:23-cv-0128. Appointed to Executive Committee. Data Breach involving disclosure of personal identifiable information (ongoing litigation)

23ANDME Customer Data Security Breach: Northern District of California- 24-md-03098-EMC. Data breach involving unauthorized third party access to personally identifiable information and personal health information. (ongoing litigation)

Representative Class Cases:

T.D. v. Mercy Hospital: Circuit Court of St. Louis, Missouri- 20-SL-CC05974. Co-Lead Counsel. Employee at Hospital accessed medical record information on patients that was not needed for patient care purposes. (ongoing litigation)

Barron v. Clay County Public Health Center: Clay County Missouri Circuit Court- 21CY-CV07781. Lead Counsel Defendant disclosed on their website personal identifiable information and personal health information of individuals without authorization. (ongoing litigation)

Marks v. Reproductive Associates: State Court of Gwinnett County, Georgia: 21-c-06178-S3. Lead Counsel. Unauthorized party gained access to defendant's servers containing personal identifiable information. (ongoing litigation)

D.H vs. Med-Data: Jackson County, MO – 2116-CV09146
McShane & Brady is lead counsel on a class action breach of fiduciary duty resulting from data containing private information was uploaded to a public facing website. The parties were able to resolve the case on a class-wide basis at mediation. (\$7 million settlement)

T.P.H. v. Blue Springs Family Care: Jackson County Circuit Court – 1916-CV07105 Lead counsel for class case involving disclosure of medical records through phishing scam (\$2.2 million settlement)

T.L. v. Truman Medical Center: Jackson County Circuit Court – 1916-CV34029 Co-Lead Counsel for class case involving disclosure of medical records on a stolen laptop (\$3.1 million settlement with healthcare provider)

K.A., et al. v. Children's Mercy Hospital: Circuit Court Jackson County, MO–1816-CV13521 Co-Lead Counsel for class case involving disclosure of medical records from vehicle owned by employee of hospital (confidential settlement)

Community and Volunteer Service:

- American Heart Association Go Red for Women Executive Leadership Team- 2019-present
- Empowering Parents Kansas City-Board Member, 2020-Present
- Association of Women Lawyers-Kansas City-Executive Board Member, 2015-Present
- Missouri Assn of Trial Attorneys (MATA) – Member, 2013-Present
- MATA Member Board of Governors – 2015-Present
- Braden's Hope – Advisory Board Member, 2015-2017
- Missouri Bar Leadership Academy – 2013-2014
- Missouri Bar Solo and Small Firm Chairperson- 2021-2023
- Missouri Bar Solo and Small Firm Conference Planning Committee - 2014-Present
- Vice-Chairperson Missouri Bar 2015 - 2021 Solo and Small Firm Conference
- Board of Creighton University Alumni Association - 2008-Present

Publications and Presentations:

“Taxable Court Costs” – CLE – Missouri Bar 2013
“HIPAA Privacy Laws – Pitfalls” – CLE – KCMBA Bench Bar and Boardroom Conference 2015
“HIPAA Damages” – CLE – MATA Annual Convention 2015
“Protecting Attorneys against Fiduciary Breaches” – CLE – Missouri Bar Family Law Conference 2015, 2023
“Protecting Your Privacy : HIPAA” UMKC School of Law, *Res Ipsa*, Alumni Magazine, Fall 2014
“What is Privacy Worth?” – MATA Quarterly Newsletter Publication, Spring 2015
“Health Insurance Portability and Accountability Act, Procedures and Covered Entities”- Missouri Bar Family Law Conference- Summer 2020
“Health Insurance Portability and Accountability Act, Procedures and Covered Entities”- DWI Law and Science Seminar- Fall 2020
“Growing Your Law Practice”- Missouri Bar Solo and Small Firm Conference- Spring 2021
“Privacy Class Actions”- Western Alliance Bank's Class Action Law Forum- Spring 2024

Bar Admission and Professional Affiliations:

- ◆ Admitted to U.S. Supreme Court, 2011
- ◆ Admitted to Missouri Bar, 2005
- ◆ Admitted to Kansas Bar, 2006
- ◆ Admitted to the 9th Circuit Court of Appeals, 2015
- ◆ Admitted to 10th Circuit Court of Appeals, 2010
- ◆ Admitted to Eastern District of Missouri, 2015
- ◆ Member, Kansas City Metropolitan Bar Association
- ◆ Member, Association for Women Lawyers of Greater KC
- ◆ Admitted to Western District of Missouri, 2008
- ◆ Admitted to Kansas District Court, 2008
- ◆ Member, Missouri Assn of Trial Attorneys
- ◆ Member, American Association of Justice

Honors, Awards & Recognition:

2024- Top Plaintiffs' Settlements in 2023, T-Mobile, Missouri Lawyers Media
2020-2023-The Power List, Top 30 Commercial & Consumer Litigators in Missouri,
Missouri Lawyers Media
2020- Litigation Practitioner Award in Missouri, Missouri Lawyers Media
2018 – Innovator's Award - Missouri Lawyer's Weekly
2014-2021 – Top 100 Trial Lawyers
2013, 2014, 2016 – KC Business Journal - *Best of the Bar*, Plaintiff's Personal Injury
2014 - 2023 – Super Lawyers of Missouri and Kansas – *Top 50 Women; Top 50 Kansas City
Lawyers; Top 100 Lawyers in Missouri/Kansas*
2011-2017 – Super Lawyers of Missouri and Kansas – *Rising Star* and *Super Lawyers*
2014-2018 – AV rating by Martindale Hubbell
2016, 2019 – Association of Women Lawyers President's Award
2017 – St. Teresa's Academy Dream Team



Our Firm

Shamis & Gentile, P.A. has and continues to provide outstanding legal services in the Florida, New York, Texas, Georgia, Illinois, Ohio, Arizona, Missouri, and Washington communities. Shamis & Gentile, P.A. distinguishes itself because of our experience and legal resources to handle virtually any case involving class action, mass tort, mass arbitration, personal injury, personal injury protection, and contract disputes. Specifically, as it relates to class actions, Shamis & Gentile, P.A. has filed and litigated thousands of banking, insurance, data privacy, deceptive and unfair trade practice and product liability cases, often through contested class certification and even until trial. At Shamis & Gentile, P.A. our seasoned attorneys are some of the most innovative and progressive attorneys in the profession. Often, Shamis & Gentile, P.A. is called upon to litigate and settle cases that other law firms may not be able to handle on their own.

Shamis & Gentile, P.A. is committed to practicing law with the highest level of integrity in an ethical and professional manner. We are a diverse firm with lawyers and staff from all walks of life. Our lawyers and other employees are hired and promoted based on the quality of their work and their ability to treat others with respect and dignity.

Who We Are

Andrew Shamis is the managing partner at Shamis & Gentile, P.A. Mr. Shamis heads the class action and mass torts divisions of the firm, where his extensive experience in civil litigation has gained him the reputation of an attorney who can deliver where it matters the most, monetary results for his clients. Mr. Shamis has recovered over 1 billion dollars for consumers and plaintiffs throughout the country through his relentlessness, expertise, and calculated approach. Mr. Shamis is routinely certified class counsel and has successfully litigated over 10,000 civil cases in his young career.

Mr. Shamis is admitted to practice law in the states of Arizona, Florida, Georgia, Illinois, Missouri, New York, Ohio, Texas, and Washington as well as the U.S. District Courts for the Southern, Middle, and Northern Districts of Florida, Northern, Eastern, Western, and Southern Districts of New York, Northern, Southern, Central Districts of Illinois, Northern, Middle, and Southern Districts of Georgia, Eastern and Western Districts of Michigan, Eastern and Western Districts of Wisconsin, Northern and Southern Districts of Ohio, Eastern and Western Districts of Missouri, Eastern, Western, and Northern Districts of Oklahoma, Northern, Western, Eastern, and Southern Districts of Texas, Southern District of Indiana, U.S. District Court of Colorado, U.S. District Court of Connecticut, U.S. District Court of Arizona, and the U.S. District Court of Nebraska.

Mr. Shamis specializes in Consumer Protection Class Action Litigation, Mass Torts, Mass Arbitration, Personal Injury, Wrongful Death, as well as General Civil Litigation.

Angelica Gentile is a named partner at Shamis & Gentile P.A. Ms. Gentile heads the catastrophic injury, personal injury, and personal injury protection divisions of Shamis & Gentile, P.A. Ms. Gentile is recognized throughout the legal community as an extremely professional and efficient attorney. Ms. Gentile is admitted to practice law in both Florida and Texas and has extensive civil litigation experience, involving hundreds of depositions and motions throughout the state of Florida. Ms. Gentile not only prides herself in collecting millions of dollars in benefits owed to clients, but also in forging long lasting, successful relationships with clients.

Ms. Gentile specializes in Personal Injury, Personal Injury Protection, Class Action Litigation (TCPA, banking, insurance breach of contract, data breach, unfair and deceptive trade practices), Wrongful Death, Wrongful Termination, as well as General Civil Litigation.

Garrett Berg is a partner at Shamis & Gentile, P.A. and leads the firms' Data Privacy department. Mr. Berg's practice involves all aspects of federal and state civil litigation with a focus on consumer-protection class action lawsuits. Mr. Berg has been responsible for recovering millions of dollars owed to clients and class members across the nation and has litigated hundreds of cases.

Edwin Elliott is a partner at Shamis & Gentile, P.A. Mr. Elliott's practice involves all aspects of complex, high-level class action litigation. Mr. Elliott represents clients in federal and state courts across the nation in class actions involving consumer fraud, deceptive and unfair trade practices, false advertising, predatory financial services, digital privacy, and complex insurance disputes. Having prosecuted numerous class actions through all stages of the litigation process, Mr. Elliott's work has contributed to hundreds of millions in recoveries for consumers.

Our staff sets the standard on being innovative and technologically savvy. This innovation and use of fully customized cutting-edge case management software allows us to create an unparalleled level of customer service and attention to detail with our clients, which has led to an exceptional growth rate rarely seen in law firms.

Shamis & Gentile, P.A. has the resources, infrastructure and staff to successfully represent large putative classes. The attorneys and staff are not simply litigators, but directors of creating successful results with the ultimate level of satisfaction by the clients.

Class Actions

Shamis & Gentile, P.A. has initiated and served as both lead counsel and co-lead counsel in hundreds of class actions, many of which have generated internet articles. Currently, the firm serves as lead counsel or co-counsel on over 300 class action lawsuits. The lawsuits range from all Districts of Florida to the Central District of California. Shamis & Gentile, P.A. has also successfully settled many Class Action cases prior to verdict.

Prominent Class Action Settlements

Over the years, Shamis & Gentile attorneys have obtained outstanding results in some of the most well-known cases.

- *Andrews v. State Auto Mut. Ins. Co.*, No. 2:21-CV-5867 (S.D. Ohio 2023) (\$6,500,000.00 Class Settlement)
- *Arevalo, et. al. v. USAA Casualty Insurance Company, et. al.*, No. 2020CI16240 (Bexar County, Texas 2023) (\$4,089,287.50 Class Settlement)
- *Albrecht v. Oasis Power, LLC*, No. 1:18-cv-1061 (N.D. Ill. 2018) (\$7,000,000.00 Class Settlement)
- *Bloom v. Jenny Craig, Inc.*, No. 1:18-cv-21820-KMM, 2018 U.S. Dist. LEXIS 151686 (S.D. Fla. 2018) (\$3,000,000.00 Class Settlement)
- *Davis, et. al. v. Geico Casualty Company, et. al.*, No. 19-cv-02477 (S.D. Ohio 2023) (\$5,756,500.00 Class Settlement)
- *DeFranks v. Nastygal.com USA Inc.*, No. 19-cv-23028-DPG (S.D. Fla. 2019) (\$4,025,000.00 Class Settlement)
- *Deleon III, et. al. v. Direct General Insurance Company, et. al.* No. 19-CA-001636 (Fla. 9th Cir. Ct.) (\$2,450,000.00 Class Settlement)
- *Dipuglia v. US Coachways, Inc.*, No. 17-23006-Civ, 2018 U.S. Dist. LEXIS 72551 (S.D. Fla. 2018) (\$2,600,000.00 Class Settlement)
- *Eisenband v. Schumacher Automotive, Inc.*, No. 18-cv-01061 (S.D. Fla 2018) (\$5,000,000.00 Class Settlement)
- *Gottlieb v. Citgo Corporation*, No. 16-cv-81911 (S.D. Fla. 2016) (\$8,300,000.00 Class Settlement)
- *Jacques, et. al. v. Security National Insurance Company*, No. CACE-19-002236 (Fla. 17th Cir. Ct.) (\$6,000,000.00 Class Settlement)
- *Jones v. Washington State Employee's Credit Union*, No. 20-2-06596-5 (Superior Court of the State of Washington, County of Pierce) (\$2,400,000.00 Class Settlement)
- *McPheeters v. United Services Automobile Association and Garrison Property and Casualty Ins. Co.*, No. 1:20-CV-00414-TSB (S.D. Ohio 2022) (\$10,250,00.00 Class Settlement)
- *Middleton v. Liberty Mut. Ins. Co.*, No. 1:20-cv-00668-DRC (S.D. Ohio 2023) (\$14,404,00.00 Class Settlement)
- *Hinds-Thomas et al. v. LM General Insurance Company et al.*, No. 22SL-CC04131 (Circuit Court of St. Louis County, MO) (\$8,669,083.00 Class Settlement)

- *Ostendorf v. Grange Indem. Ins. Co.*, No. 2:19-CV-1147 (S.D. Ohio 2020) (\$12,000,000.00 Class Settlement)
- *Papa v. Greico Ford Fort Lauderdale, LLC*, No. 1:18-cv-21897 (S.D. Fla. 2018) (\$4,800,000.00 Class Settlement)
- *Pena v. John C. Heath, Attorney at Law, PLLC, d/b/a Lexington Law Firm*, No. 18-cv-24407-UU (S.D. Fla. 2018) (\$11,450,863.00 Class Settlement)
- *Petit Beau, et. al., v. Ocean Harbor Casualty Insurance Company*, No. CACE-18-029268 (Fla. 17th Cir. Ct.) (\$4,500,000.000 Class Settlement)
- *Picton v. Greenway Chrysler-Jeep-Dodge Inc. d/b/a Greenway Dodge Chrysler Jeep*, No. 19-cv-00196-GAP-DCI (M.D. Fla. 2019) (\$2,745,000.00 Class Settlement)
- *Soto-Melendez v. Banco Popular de Puerto Rico*, No. 3:20-cv-01057 (D.P.R. 2023) (\$5,500,00.00 Class Settlement)
- *South, et. al. v. Progressive Select Insurance Company, et. al.*, No. 19-cv-21760 (S.D. Fla. 2023) (\$48,800,000.00 Class Settlement)

More About Shamis & Gentile, P.A.

To learn more about our firm, please visit www.shamisgentile.com, or view links to our blogs at <https://www.sflinjuryattorneys.com/blog/>.

JEFF OSTROW'S BIO

JEFFREY OSTROW

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Jeff Ostrow is the Managing Partner of Kaplowitz Ostrow Ferguson Weiselberg Gilbert ("KO"). He established his own law practice in 1997, immediately upon graduation from law school, and has since grown the firm to 25 attorneys in 3 offices throughout South Florida. In addition to overseeing the firm's day-to-day operations, Mr. Ostrow is also the head of the class action department where he maintains a full-time national and state consumer class action practice. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics, which is the highest possible rating by the most widely recognized attorney rating organization in the world.

Mr. Ostrow is an accomplished trial attorney who has successfully taken many cases to verdict; several of which involved multi-million-dollar damage claims in state and federal courts. Currently, he serves as lead counsel in many nationwide class actions for the unlawful assessment of bank fees, privacy violations, antitrust violations, deceptive insurance practices, and other consumer protection claims. To date, his efforts have successfully resulted in the recovery of over \$1,000,000,000 for the classes of people he has had the pleasure of representing. As part of many of his settlements, he has also gotten corporations to make industry-altering monumental changes to the way they do business. These practice changes have resulted in billions of dollars of savings for consumers. In addition to his current practice, Mr. Ostrow has experience in class actions against some of the world's largest airlines, technology companies, retailers, universities, health and auto insurance carriers, and oil conglomerates. He also has served as class action defense counsel for some of the largest advertising and marketing agencies in the world, technology companies, banking institutions, real estate developers, and mortgage companies.

Prior to focusing on class action work in 2010, Mr. Ostrow frequently served as outside General Counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many Fortunes 500® Companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, Fox, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry-changing litigation or athletes in Olympic swimming, the NFL, NBA and MLB.

Mr. Ostrow received a Bachelor of Science in Business Administration from the University of Florida and a Juris Doctorate from Nova Southeastern University. He is a member of The Florida Bar and the District of Columbia Bar and is fully admitted to practice before the U.S. Supreme Court, the U.S. Court of Appeals for the Eleventh Circuit, and the U.S. District Courts for the Southern, Middle, and Northern Districts of Florida, Eastern District of Michigan, Northern District of Illinois, Western District of Tennessee and Western District of Wisconsin. Mr. Ostrow is also a member of the Public Justice Foundation, American Bar Association, and the founder and President of Class Action Lawyers of America.

He is a lifetime member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is one of the most prestigious trial lawyer groups in the United States. Membership is limited to attorneys who have won multi-million-dollar jury verdicts. Additionally, he has been named as one of the top lawyers in Florida by Super Lawyers® for several years running; honored as one of Florida's Legal Elite Attorneys; recognized as a Leader in Law by the Lifestyle Media Group®; and nominated by the South Florida Business Journal® as a finalist for its Key Partners Award. Mr. Ostrow is a recipient of the University of Florida's Warrington College of Business Administration Gator 100 award for the fastest-growing University of Florida alumni-owned law firm in the world.

When not practicing law, he serves on the Board of Governors of Nova Southeastern University's Wayne Huizenga School of Business and is a Member of the Broward County Courthouse Advisory Task Force. He is also the Managing Member of One West LOA LLC, a commercial real estate development company with holdings in downtown Fort Lauderdale. He has previously sat on the boards of a national banking institution and a national healthcare marketing company. Mr. Ostrow is a founding board member for the Jorge Nation Foundation, a 501(c)(3) non-profit organization that partners with the Joe DiMaggio Children's Hospital and the Nicklaus Children's Hospital to send children diagnosed with cancer on all-inclusive Dream Trips to destinations of their choice.

CLASS TEAM'S BIOS

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