

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT
COUNTY OF DUPAGE**

EMILY MORRISSEY, TAMMY
CARPENTER, AIZA EJAZ, and JULIE
GURDIN, *individually and on behalf of all
others similarly situated,*

Plaintiffs,

v.

TULA LIFE, INC.,

Defendant.

Case No. 2021L000646

Hon. Robert G. Kleeman

Courtroom 2014

Candice Adams
e-filed in the 18th Judicial Circuit Court
DuPage County
ENVELOPE: 14864697
2021L000646
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**SECOND DECLARATION OF J. DOMINICK LARRY
IN SUPPORT OF MOTION FOR SERVICE AWARDS AND FEE AWARD**

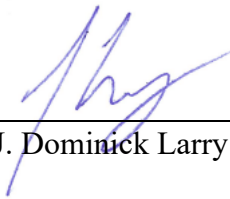
Pursuant to 28 U.S.C. § 1746, I, J. Dominick Larry, hereby declare and state as follows:

1. I am an attorney admitted to practice in the State of Illinois. I am the owner and sole attorney at Nick Larry Law LLC, which has been retained to represent Plaintiffs and the Class as local counsel in this matter. I am over 18 and am fully competent to make this declaration. This declaration is based upon my personal knowledge, except where expressly noted otherwise.

2. Attached hereto as **Exhibit A**, is the Declaration of Nick Suciu III In Support Of Plaintiffs' Unopposed Motion For Attorneys' Fees, Costs, Expenses, And Service Awards.

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

Executed on September 17, 2021, in Chicago, Illinois.



J. Dominick Larry

NICK LARRY LAW LLC

J. Dominick Larry (DuPage Attorney ID: 361759)

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Local Counsel for Plaintiffs and the Class

**IN THE CIRCUIT COURT OF DUPAGE COUNTY, ILLINOIS
18TH JUDICIAL CIRCUIT**

EMILY MORRISSEY, TAMMY
CARPENTER, AIZA EJAZ, and JULIE
GURDIN, *individually and on behalf of all
others similarly situated,*

Plaintiffs,

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TULA LIFE, INC.,

Defendant.

Case No. 2021L000646

**DECLARATION OF NICK SUCIU III IN SUPPORT OF PLAINTIFFS' UNOPPOSED
MOTION FOR ATTORNEYS' FEES, COSTS, EXPENSES, AND SERVICE AWARDS**

I, Nick Suciu III, 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 a founding Partner at Barbat Mansour Suciu & Tomina PLLC, Class Counsel in this action. I make this declaration in support of Plaintiffs' Unopposed Motion for Attorneys' Fees, Costs, Expenses, and Service Awards, filed herewith.

2. I am a member in good standing of the Michigan Bar; the United States District Courts for the Eastern District of Michigan, Western District of Michigan, and Northern District of Illinois; and the United States Courts of Appeals for the Sixth Circuit, and I am admitted *pro hac vice* to appear before the Court presiding over this matter.

3. To avoid redundancy, I hereby incorporate the Declaration of L. Timothy Fisher In Support of Plaintiffs' Unopposed Motion for Attorneys' Fees, Costs, Expenses, and Service Awards as if fully stated herein.

4. Attached hereto as **Exhibit A** is a true and correct copy of the firm resume of Barbat, Mansour, Suciu & Tomina PLLC (“BMS”). BMS is well suited to continue to represent the Plaintiffs and the Settlement Class in this matter.

5. I have extensive experience litigating class actions of similar size, scope, and complexity to the instant action. I have been lead counsel in numerous consumer class actions across the United States. *See e.g. Gregorio v. Premier Nutrition Corp.*, Case No. 17-cv-05987-AT (S.D.N.Y) (\$9 million class wide settlement); *Clay et al. v. Cytosport, Inc.*, Case No. 3:15-cv-00165-L-AGS (S.D.C.A) (\$12 million class wide settlement); *Carter, et al. v. General Nutrition Centers, Inc., et al.*, Case No. 2:16-cv-00633 (W.D.P.A) (\$5 million class wide settlement).

6. Since the Court preliminarily approved the Settlement, my firm has worked with the Settlement Administrator, KCC to carry out the Court-ordered notice plan. Specifically, my firm helped compile and review the contents of the class notices, reviewed the final claim forms, and reviewed and tested the settlement website before it launched live. My firm also worked with TULA and KCC to secure the class list and effectuate notice.

7. Since class notice has been disseminated, my firm has continued to work closely with KCC to monitor settlement claims and any other issues that may arise.

8. My firm undertook this litigation on a contingency basis, despite knowing the litigation risks and the prospect of no recovery.

9. As set forth above, my firm has devoted (and continues to devote) a significant amount of attorney time and other resources investigating, prosecuting and resolving this litigation and, as a result, has been forced to forego other new matters that we otherwise would have taken on.

10. Additionally, to date my firm has expended \$10,835.00 in out-of-pocket costs and expenses in connection with the investigation, prosecution, and resolution of this litigation. Attached hereto as **Exhibit B** is an itemized list of those costs and expenses. These costs and expenses are reflected in my firm's records, and were necessary to effectively prosecute this litigation. Cost and expense items are billed separately, and such charges not duplicated in my firm's billing rates. My firm undertook these expenses without any guarantee of reimbursement.

11. In addition to the work my firm performed thus far, I estimate that my firm will expend a substantial amount of additional time in the future performing work in connection with the fairness hearing, coordinating with KCC, monitoring settlement administration, and responding to Settlement Class Member inquires before this litigation and the settlement administration and distribution process comes to an end.

The above statements are of my own personal knowledge, and I make such statements under penalty of perjury under the laws of Michigan and the United States of America.

Executed September 16, 2021

By: /s/ Nick Suciu III
Nick Suciu III

EXHIBIT A

BARBAT MANSOUR SUCIU & TOMINA, PLLC

6905 Telegraph Road, Suite 115
Bloomfield Hills, Michigan 48301
(313) 303-3472
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Nick Suciu III is a founding partner of Barbat Mansour Suciu & Tomina PLLC and has extensive experience and knowledge regarding the dietary, bodybuilding, and sports supplement industry and the science behind these supplements. Nick Suciu has represented several dietary, bodybuilding, and sports supplements manufacturers and retailers and advised these clients in the areas of FDA regulatory, advertising and marketing law. Mr. Suciu is also dedicated to fighting to protect consumers from sports nutrition and dietary supplement manufacturers who intend to mislead consumers with their claims. Mr. Suciu has filed class action lawsuits against some of the top selling dietary supplement companies in the country, to help ensure that consumers are receiving the proper information regarding their purchases of these dietary supplements. Since focusing his practice on consumer class actions, Mr. Suciu has used his expertise in the United States Food, Drug and Cosmetic Act to litigate actions against not only dietary supplement companies, but also major food and cosmetic companies.

In 2014, Mr. Suciu was appointed Co-Lead Counsel by the Honorable Edward M. Chen in the United States District Court for the Northern District of California in *Wagner, et. al. v. Driven Sports, et. al.*, Case No. C13-5239. Illegal compound found in Defendants' product. In 2016, Mr. Suciu was appointed Co-Lead Counsel by the Honorable Amy St. Eve in the United States District Court for the Northern District of Illinois in *Bordenet, et. al. v. CVS Pharmacy, Inc., et. al.*, Case No. 1:16-cv-06103. In 2017, Mr. Suciu was also appointed Co-Lead Counsel by the Honorable Harry D. Leinenweber in the United States District Court for the Northern District

of Illinois in *Lambert, et. al. v. Dollar General Corporation*, Case No. 1:16-cv-11319. Both cases concerned Defendants' Aloe Gel products allegedly lacking aloe vera.

Further, Mr. Suciu was appointed Co-Class Counsel by the Honorable Lorna G. Schofield in the United States District Court for the Southern District of New York, Case No. 1:17-cv-00614. Lastly, Mr. Suciu was appointed Co-Class Counsel in the following approved Nation Class Settlements:

- \$9,000,000 for a protein supplement case. *See Gregorio v. Premier Nutrition, Corp.*, 2019 U.S. Dist. LEXIS 9405 (S.D.N.Y. January 17, 2019).
- \$6,000,000 for a dietary supplement retailer deceptive sales pricing case. *See Carter et al. v. General Nutrition Centers, Inc., et al.* Case No. 2:16-cv-00633 (W.D.P.A. 2020).
- \$12,000,000 for a protein supplement case. *See Clay v. Cytosport, Inc.*, No. 3:15-cv-00165-L-DHB, 2020 U.S. Dist. LEXIS 201919 (S.D. Cal. Oct. 29, 2020).

Mr. Suciu graduated from Wayne State Law School in 2008 and also received his Masters in Business Administration from Wayne State University in 2009. Prior to starting Barbat Mansour Suciu & Tomina PLLC, Mr. Suciu represented sports supplement manufacturers in a consulting capacity and later was an associate with a national law firm that focused on Class Action Litigation. From 2013 to 2018, Mr. Suciu was recognized as a "Rising Star" by SuperLawyers Magazine.

EXHIBIT B

Activities Export

09/13/2021
12:30 PM

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
06/02/2021	\$	Research requested by NS. ● Unbilled	Tula Probiotics Tula Probiotics	Nick Suciu	1.00	5,835.00	-	5,835.00
04/30/2021	\$	Expert research. ● Unbilled	Tula Probiotics Tula Probiotics	Nick Suciu	1.00	5,000.00	-	5,000.00
							\$0.00 0.0h	\$10,835.00 0.0h

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true and correct copy of the foregoing was caused to be served upon the following parties by email on the date indicated below:

VENABLE LLP

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Counsel for Defendant

Dated: September 17, 2021

By: /s/ J. Dominick Larry

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