

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

Candice Adams  
e-filed in the 18th Judicial Circuit Court  
DuPage County  
ENVELOPE: 14840194  
2021L000646  
FILEDATE: 9/16/2021 9:10 AM  
Date Submitted: 9/16/2021 9:10 AM  
Date Accepted: 9/16/2021 2:13 PM  
MP

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

**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. I have spent nearly my entire career practicing consumer class actions, focusing particularly on privacy, security, and technology claims. In June 2020, I formed Nick Larry Law LLC to continue pursuing those types of cases.

3. I began my career at Edelson McGuire, LLC (now Edelson PC) in 2011 as a summer associate. I continued working at Edelson through my third year at Northwestern University School of Law, and then from graduation in 2012 until early 2017, when I left the firm.

4. During my time at Edelson, I was responsible for litigation of dozens of consumer class actions, including several high-profile cases of first impression.

5. Among those cases was *In re Netflix Privacy Litig.*, No. 11-cv-379 (N.D. Cal.), a \$9 million class-action settlement of claims alleging that Netflix had unlawfully retained consumers' personally identifiable information in violation of the Video Privacy Protection Act (a statute that has been invoked by some of the plaintiffs in this multidistrict litigation). In *Netflix*, I was the lead associate on matters concerning settlement approval, including taking discovery and obtaining appeal bonds from "professional objectors" to the settlement. Over my years at Edelson, I also litigated VPPA class actions against Redbox, CNN, Cartoon Network, ESPN, Disney, and Gannett (publisher of USA Today), the latter of which resulted in the first appellate opinion holding that mobile-device identifiers were identifying (and therefore protected) under the VPPA. *See Yershov v. Gannett Satellite Info. Network, Inc.*, 820 F.3d 482 (1st Cir. 2016) (Souter, J.).

6. I was also part of the team at Edelson that secured a \$14 million settlement in *Dunstan v. comScore*, No. 11-cv-5807 (N.D. Ill.), a case asserting that the defendant violated the Electronic Communications Privacy Act, Stored Communications Act, Computer Fraud and Abuse Act, Illinois Consumer Fraud and Deceptive Practices Act, and was unjustly enriched, by installing sophisticated analytics spyware on the computers of millions of consumers nationwide. When Judge Holderman certified the proposed class, it was believed to be the largest privacy class certified to date.

7. Along with other lawyers from Edelson PC, I was appointed lead class counsel on *In re LinkedIn User Privacy Litig.*, No. 12-cv-3088 (N.D. Cal.), a consolidated class action arising out of LinkedIn's well-publicized 2012 data breach. I was responsible for the amended pleadings, hiring and overseeing plaintiffs' data-security and behavioral-economics testifying expert, and briefing and arguing the motion to dismiss. Those efforts resulted in Judge Davila endorsing a novel, consumer-fraud based theory of liability for failure to employ industry-standard security

measures. *See In re LinkedIn*, 2014 WL 1323713 (N.D. Cal. Mar. 28, 2014). After the parties negotiated a \$1.25 million class settlement, and I was responsible for briefing and arguing preliminary approval, final approval, and the petition for attorneys' fees, costs, and incentive award.

8. Additionally, I was responsible for developing the first cases against magazine publishers under Michigan's Preservation of Personal Privacy Act. From outlining the theory of liability to screening clients and preparing complaints, through to handling motion to dismiss briefing and discovery, I was directly involved in advancing this new area of law. As a result of the favorable case-law created, *see Halaburda v. Bauer Pub. Co., LP*, No. 12-cv-12831, 2013 WL 4012827 (E.D. Mich. Aug. 5, 2013) (a case in which, along with my Edelson colleagues, I was appointed class counsel), millions of Michiganders have recovered well over \$100 million from various publishers.

9. In addition to novel data-privacy cases, I was regularly responsible for litigating TCPA class actions against financial institutions, consumer-fraud claims against technology companies, and more.

10. After leaving Edelson, I worked at two more firms before opening my own firm in June 2020. During those intervening years, I performed plaintiff's litigation on behalf of corporate clients, was plaintiff's counsel on consumer class actions, and represented thousands of consumers in individual arbitrations.

11. Since launching my own firm, I have acted as lead counsel in dozens of class and individual actions in state and federal courts across the country.

12. In this case, I have been responsible for filing pleadings and other documents, ensuring compliance with local rules and standing orders, guiding the Rule 707 *pro hac vice*

application process for lead counsel, working with document preparation and delivery services, and staying up to date on the Court's pandemic-related practice and procedure changes.

13. I have also devoted time to preparing and filing the motion for substitution of judge as of right and attending the hearings to date in this matter.

14. In the course of filing Plaintiffs' complaint and arranging for delivery of courtesy copies, I have incurred costs of \$664.45. Attached hereto as **Exhibit A** is an itemized list of those costs and expenses. I anticipate incurring approximately \$150 in additional courier costs for delivery of courtesy copies Plaintiffs' fee petition and motion for final approval.

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

Executed on September 14, 2021, in Chicago, Illinois.



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J. Dominick Larry

**EXHIBIT A**

# Expense Report

Nick Larry Law LLC  
Grouped by Category (USD)  
For Jan 1, 2021 - Dec 31, 2021

## Summary

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**Total Expenses (USD)** **\$664.45**  
USD

## Office Expenses & Postage

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### Shipping & Couriers

Merchant/Source/Client	Date/Description	Tax 1	Tax 2	Amount
RCS Nick Larry Emily Morrissey	Jul 20, 2021 Delivery of courtesy copies of preliminary approval fil- ings	0.00	0.00	\$92.90

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**Total for Shipping & Couriers** **\$92.90**  
USD

## Other Expenses

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### Online Services

Merchant/Source/Client	Date/Description	Tax 1	Tax 2	Amount
Illinois E-Filing Nick Larry Emily Morrissey	Jun 11, 2021 Complaint and jury demand filing fee	0.00	0.00	\$571.55

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**Total for Online Services** **\$571.55**  
USD

## 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**

Ari N. Rothman  
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### **BRADLEY & RILEY P.C.**

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*Counsel for Defendant*

Dated: September 16, 2021

By:                   /s/ J. Dominick Larry                  

### **NICK LARRY LAW LLC**

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