

# **EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE PEOPLES BANK, AS SUCCESSOR  
TO LIMESTONE BANK, DATA BREACH  
LITIGATION

Case No. 2:23-cv-03043

Judge Michael H. Watson

This Document Relates to: All Actions.

Magistrate Judge Elizabeth P. Deavers

**DECLARATION OF TERENCE R. COATES IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, EXPENSES,  
AND CLASS REPRESENTATIVE SERVICE AWARDS**

I, Terence R. Coates, hereby declare pursuant to 28 U.S.C. § 1746(2) that the following is true and accurate and based on my personal knowledge:

1. I am the managing partner of the law firm of Markovits, Stock & DeMarco, LLC ("MSD"). I have been practicing law since 2009 and have extensive experience handling complex class action cases. I am one of the preliminarily-approved Class Counsel for Plaintiffs in this matter and have been centrally involved in all aspects of this litigation from the initial investigation to the present. The contents of this Declaration are based upon my own personal knowledge, my experience in handling many class action cases, and the events of this litigation.

2. I am currently the President-Elect of the Cincinnati Bar Association's Board of Trustees and the Executive Director of the Potter Stewart Inn of Court. I am a frequent speaker for the plaintiffs' perspective on recent trends in data privacy class action cases having participated as a panel speaker at events such as: The Sedona Conference Working Group 11 Midyear Meeting 2022 in Cleveland, Ohio (*Emerging issues in privacy and cybersecurity class action litigation*) (November 3, 2022); Trial Lawyers of Mass Tort's conference in Big Sky, Montana (March 2023);

the NetDiligence cybersecurity summit in Ft. Lauderdale, Florida (February 2023); the Beazley Insurance national conference in Ft. Lauderdale, Florida (March 2023); the JAMS roundtable on selecting mediators (September 2023); Trial Lawyers of Mass Tort's Conference in Cabo, Mexico (December 2023); Class Action Money & Ethics Conference in New York, New York (May 2024); HarrisMartin Conference in Nashville, Tennessee (*Data Privacy Cases are Much More Than Data Breach*) (September 2024); The Geneva Association 2024 Cyber Conference in New York, New York (*Evolving Third-Party Liabilities in Cyber*) (November 12, 2024); Trial Lawyers of Mass Tort's conference in Cabo, Mexico (panel moderator on *Recent Issues in Data Breach Litigation* (November 21, 2024)); and Class Action Money & Ethics Conference in New York, New York (May 2025).

3. I have served as a member of court-appointed class counsel in numerous data privacy class actions throughout the country. Representative cases include: *In re Advocate Aurora Health Pixel Litig.*, No. 22-CV-1253 (E.D. Wis.) (\$12.225 million settlement); *Tracy v. Elekta, Inc.*, No. 1:21-cv-02851 (N.D. Ga.) (\$8.9 million settlement); *Sherwood v. Horizon Actuarial Servs., LLC*, No. 1:22-cv-1495 (N.D. Ga.) (\$8,733,446.36 settlement); *Durgan v. U-Haul Int'l Inc.*, No. 2:22-cv-01565 (D. Ariz.) (sole class counsel, \$5,085,000 data settlement); *Owens v. U.S. Radiology Specialist, Inc.*, No. 22 CVS 17797 (Mecklenburg County Superior Court, North Carolina) (\$5,050,000 settlement); *Phillips v. Bay Bridge Administrators, LLC*, No. 23-cv-00022 (W.D. Tex.) (sole class counsel, \$2,516,890 settlement); *Migliaccio v. Parker Hannifin, Corp.*, No. 1:22-cv-835 (N.D. Ohio) (\$1,750,000 settlement); *Tucker v. Marietta Area Health Care Inc.*, No. 1:11-cv-184 (S.D. Ohio) (\$1,750,000 settlement, approved by this Court).

4. Federal courts have recognized me and my firm as experienced in handling complex cases, including class actions. Representative examples include: *Shy v. Navistar Int'l*

*Corp.*, No. 3:92-CV-00333, 2022 WL 2125574, at \*4 (S.D. Ohio June 13, 2022) (“Class Counsel, the law firm Markovits, Stock & DeMarco, LLC, are qualified and are known within this District for handling complex cases including class action cases such as this one.”); *Bechtel v. Fitness Equip. Servs., LLC*, 339 F.R.D. 462, 480 (S.D. Ohio 2021) (“plaintiffs’ attorneys have appeared in this Court many times and have substantial experience litigating class actions and other complex matters.”); *Compound Prop. Mgmt. LLC v. Build Realty, Inc.*, 343 F.R.D. 378, 402 (S.D. Ohio 2023) (recognizing me and my firm as “qualified counsel” with “class-action experience before this Court and elsewhere.”); *Schellhorn v. Timios, Inc.*, No. 2:221-cv-08661, 2022 WL 4596582, at \*4 (C.D. Cal. May 10, 2022) (noting that Class Counsel, including “Terence R. Coates of Markovits, Stock & DeMarco, LLC, have extensive experience litigating consumer protection class actions . . . .”); *Bedont v. Horizon Actuarial Servs., LLC*, No. 1:22-CV-01565, 2022 WL 3702117, at \*2 (N.D. Ga. May 12, 2022) (noting that class counsel, including Mr. Coates, “are well qualified to serve as Interim Co-Lead Class Counsel and that they will fairly, adequately, responsibly, and efficiently represent all Plaintiffs in the Cases in that role.”). My co-counsel are equally qualified to serve as Class Counsel in this case.

#### **CLASS COUNSEL’S ATTORNEYS’ FEES & EXPENSES ARE REASONABLE**

5. Under the Settlement, Class Counsel may seek up to one-third of the Settlement Fund (\$260,833.33) as attorneys’ fees and reasonable litigation costs and expenses

6. Class Counsel undertook this case on a contingency fee basis and have not received any payment to date. Class Counsel have also incurred reasonable litigation expenses that remain unreimbursed. Because of the contingency arrangement, there was a risk that Class Counsel would not recover any compensation for their time or reimbursement for their expenses.

7. Courts within the Sixth Circuit routinely award attorneys’ fees up to one-third of the common fund amount in data breach class action settlements. *See, e.g., Migliaccio v. Parker*

*Hannifin, Corp.*, No. 1:22-cv-835, ECF No. 42, ¶ 7 (N.D. Ohio Aug. 2, 2023) (\$583,333.33 fee award from a \$1,750,000 common fund in a data breach class action settlement); *Tucker v. Marietta Area Health Care Inc.*, No. 1:11-cv-184, ECF No. 38, ¶ 7 (S.D. Ohio Dec. 8, 2023) (\$583,333.33 fee award from a \$1,750,000 common fund in a data breach class action settlement); *Phelps v. Toyotetsu N. Am.*, No. 6:22-cv-106, ECF No. 47, PageID # 542 (E.D. Ky. Oct. 25, 2023) (granting attorneys' fees of one-third of the common fund in a data breach class action settlement); *In re Marshall & Melhorn, LLC Data Breach Litig.*, No 3:23-cv-1181 (N.D. Ohio Jan. 13, 2025; ECF No. 34, ¶ 7) (awarding attorneys' fees of one-third of the \$800,000 data breach common fund settlement); *In re CorrectCare Data Breach Litig.*, No. 5:22-319, 2024 WL 4211480, at \*4 (E.D. Ky. Sept. 17, 2024) (approving attorneys' fees of 1/3 of the \$6,490,000 settlement fund). Ohio state courts also routinely award attorneys' fees up to one-third of the common fund in data breach class action settlements. *See e.g.*, Order Granting Pl.'s Mot. for Final Approval of Class Action Settlement, *In re Southern Ohio Health System Data Breach*, No. A 2101886, ¶ 10 (Hamilton C.P. Nov. 30, 2022) (awarding one-third of common fund as reasonable attorneys' fees in Ohio data breach class action); J. & Order Granting Final Approval of Class Action Settlement, Attys.' Fees, Expenses, & Class Representative Service Awards, *Gero v. MedInform*, No. 23CV981382, ¶ 15 (Cuyahoga C.P. Oct. 10, 2024) (same); J. & Order Granting Final Approval of Class Action Settlement, Attys.' Fees, Expenses, & Class Representative Service Awards, *Pascute v. Amotec*, No. CV239762881, ¶ 15 (Cuyahoga C.P. Feb. 23, 2024) (same).

8. Class Counsel and Plaintiffs' Counsel have spent significant time and expenses in efficiently pursuing this matter on behalf of the Class. From January 2024 through the end of June 2025, Class Counsel have spent approximately 257.9 hours for a lodestar total of \$179,685.80, and incurred expenses of \$4,908.26 directly related to this litigation. *See Exhibit A*. The hourly rates

that form the basis of the lodestar calculation reflect the experience of Class Counsel and are their current customary hourly rates for similar class action cases. Class Counsel's lodestar of \$179,685.80 creates a current multiplier of roughly 1.4 to reach Class Counsel's request of \$260,833.33 (one-third of the common fund). Given that Class Counsel will continue to expend substantial time and effort overseeing settlement administration and claims, briefing the motion for final approval, attending the final approval hearing, and overseeing the distribution of settlement benefits to the Class, Class Counsel expect that the multiplier will be minimal in this case.

9. To date, Plaintiffs' counsel have incurred \$4,908.26 in litigation costs and expenses. These costs and expenses all relate to this litigation and were necessary for the quality of result achieved. The expenses were incurred for filing fees, mediation with former United States Magistrate Judge David C. Jones on September 9, 2024, travel expenses for the upcoming Final Approval Hearing, and minimal copying costs. *See Exhibit A.* Given the cost of mediation and that there were multiple underlying complaints consolidated into this proceeding, these expenses are reasonable and warrant reimbursement.

10. Class Counsel will continue to expend substantial additional time and other minimal expenses continuing to protect the Class's interest through the Final Approval Hearing and throughout settlement administration. Class Counsel believe that the fee request of \$260,833.33 and expenses of \$4,908.26 are reasonable and justified in this case.

11. I track the claims, opt-outs, and objections on this matter on a weekly basis. To date, no Class Members have objected to the Settlement or to the requested attorneys' fees, expenses, or Service Awards. The amount of these requests was clearly communicated to Class

Members in the settlement notices. Additionally, no Class Members have opted out of the Settlement as of June 27, 2025.

### **SIMILAR DATA BREACH SETTLEMENTS**

12. Class Counsel's opinion that this \$782,500.00 Settlement is fair and reasonable for the roughly 47,590 Class Members is informed by other data breach class action settlements based on the recovery amount per class member. For example, the following chart identifies the value per class member based on the common fund settlement amount for certain recent cases that also involved sensitive, private information, such as Social Security numbers:

<b>Case</b>	<b>Settlement Amount</b>	<b>Class Size</b>	<b>Average Value Per Class Member</b>
<i>Boykin v. Choice Health Insurance, LLC</i> , No. 4:22-cv-03940 (D.S.C.)	\$500,000	68,177	\$7.33
<i>Marshall v. Lamoille Health Partners</i> , No. 2:22-cv-166 (D. Vt.)	\$540,000	59,831	\$9.03
<i>Williams v. Air Methods LLC</i> , No. 1:24-cv-00642 (D. Colo.)	\$260,000	24,568	\$10.58
<i>Rodriguez v. Mena Hospital Commission</i> , No. 2:23-cv-2002 (W.D. Ark.)	\$500,000	42,000	\$11.90
<i>In re Cinfed Federal Credit Union Data Breach Litig.</i> , No. 1:23-CV-776 (S.D. Ohio)	\$700,000	57,826	\$12.10
<i>Lamie v. Lendingtree, LLC</i> , No. 3:22-cv-00637 (W.D.N.C.)	\$875,000	69,142	\$12.66
<i>Kohn v. Loren Stark Co., Inc.</i> , No. 4:23-cv-3035 (S.D. Tex.)	\$750,000	58,065	\$12.92
<i>Pederson v. AAA Collections, Inc.</i> , No. 4:22-cv-4166 (D.S.D.)	\$865,000	66,488	\$13.00
<b><i>In re Peoples Bank, as Successor to Limestone Bank, Data Breach Litig.</i>, No. 2:23-cv-3043 (S.D. Ohio)</b>	<b>\$782,500</b>	<b>47,590</b>	<b>\$16.44</b>
<i>In re Marshall &amp; Melhorn, LLC Data Breach Litig.</i> , No. 3:23-CV-01181 (N.D. Ohio)	\$800,000	47,000	\$17.02
<i>Lutz v. Electromed, Inc.</i> , No. 21-cv-2198 (D. Minn.)	\$825,000	47,000	\$17.55
<i>In re Red Roof Inns, Inc. Data Incident Litig.</i> , No. 2:23-cv-4133 (S.D. Ohio)	\$550,000	27,327	\$20.12

<i>In re Philadelphia Inquirer Data Sec. Litig.</i> , No. 2:24-cv-2196 (E.D. Pa.)	\$525,000	25,549	\$20.54
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Class Counsel and Plaintiffs believe that the Settlement in this case is fair and reasonable in that it is within the range of reasonableness compared to other recently approved data breach class action settlements.

**THE CLASS REPRESENTATIVE SERVICE AWARDS OF \$2,500  
ARE REASONABLE AND JUSTIFIED**

13. Plaintiffs have stayed informed about this litigation, reviewed and approved the settlement demand and final settlement amount and Settlement Agreement, and spent substantial time and effort protecting the Class Members' interests. Accordingly, the \$2,500 Class Representative Service Awards are reasonable in light of their efforts on behalf of the Class. Furthermore, the Service Awards are consistent with those approved in other common fund data breach class action settlements. *See, e.g., Lutz v. Electromed, Inc.*, No. 0:21-cv-02198, ECF No. 73 (D. Minn. July 6, 2023) (approving \$9,900 service award); *Tucker v. Marietta Area Health Care*, No. 2:22-cv-00184, ECF No. 38 (S.D. Ohio Dec. 7, 2023) (Morrison, J.) (approving \$5,000 service awards); *Phelps v. Toyotetsu N. Am.*, No. 6:22-cv-00106, ECF No. 47 (E.D. Ky. Oct. 25, 2023) (approving \$5,000 service award); *Jackson v. Nationwide Retirement Solutions, Inc.*, No. 2:22-cv-3499, 2024 WL 958726, at \*7 (S.D. Ohio Mar. 5, 2024) (\$5,000 service awards to each of the class representatives); *In re Marshall & Melhorn, LLC Data Breach Litig.*, No. 3:23-cv-1181 (N.D. Ohio Jan. 13, 2025; ECF No. 34, ¶ 7) (\$2,500 service awards). Such service awards are also routine in Ohio state courts. *See, e.g., McKittrick v. Allwell Behavioral Health Servs.*, No. CH 2022-0174 (Muskingum C.P. Nov. 14, 2023) (approving \$5,000 service award from a \$650,000 common fund in a data breach class action settlement); *Gero v. MedInform, Inc.*, No. CV-23-981382 (Cuyahoga C.P. Oct. 10, 2024) (approving \$5,000 service awards from a \$400,000 common fund in a data breach class action settlement).



14. Plaintiffs have no conflicts with the Class they represent. As indicated by their consent to the Settlement Agreement, Plaintiffs fully support the requested \$2,500 Service Awards, attorneys' fees of \$260,833.33, and reimbursement of litigation expenses of \$4,908.26.

**THE SETTLEMENT IS FAIR, REASONABLE,  
AND A SUBSTANTIAL RECOVERY FOR THE CLASS**

15. Based on my experience serving as class counsel in numerous class action lawsuits, I confirm that the \$782,500.00 non-reversionary common fund Settlement is fair and reasonable for the 47,590 Class Members. I am also aware that my co-counsel are litigating over 100 data breach class actions and concur that the Settlement is fair and reasonable.

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

Executed on June 30, 2025, at Cincinnati, Ohio.

/s/ Terence R. Coates  
Terence R. Coates

# **Exhibit A**

**Class Counsel – Lodestar & Expenses**

*In re Peoples Bank, as a Successor to Limestone Bank, Data Breach Litigation,*  
Case No. 2:23-cv-03043-MHW-EPD (S.D. Ohio)

**LODESTAR**

<b><u>Firm</u></b>	<b><u>Hours</u></b>	<b><u>Lodestar</u></b>	<b><u>Expenses</u></b>
Markovits, Stock & DeMarco, LLC	89.8	\$65,552.00	\$991.30
Chestnut Cambronne PA	93.4	\$52,021.00	\$3,298.96
Milberg	57.8	\$52,412.80	\$0.00
Wolf Haldenstein	16.9	\$9,700.00	\$618.00
<b>Total</b>	<b>257.9</b>	<b>\$179,685.80</b>	<b>\$4,908.26</b>

**EXPENSES**

<b>Mediation</b>	<b>Filing Fees/Service</b>	<b>Travel</b>	<b>Copies</b>		<b>TOTAL</b>
\$2,000.00	\$1,824.00	\$1,046.76	\$37.50		<b>\$4,908.26</b>

# **Exhibit B**

**Markovits, Stock & DeMarco, LLC – Lodestar & Expenses**

*In re Peoples Bank, as a Successor to Limestone Bank, Data Breach Litigation,*  
Case No. 2:23-cv-03043-MHW-EPD (S.D. Ohio)

**LODESTAR**

<b><u>Individual</u></b>	<b><u>Hours</u></b>	<b><u>Hourly Rate</u></b>	<b><u>Exp. Years</u></b>	<b><u>Lodestar</u></b>
Terence R. Coates (Partner)	47.6	\$895	16	\$42,602.00
Jonanthan T. Deters (Attorney)	9.8	\$650	10	\$6,370.00
Dylan J. Gould (Attorney)	10.0	\$650	7	\$6,500.00
Spencer D. Campbell (Attorney)	10.0	\$450	2	\$4,500.00
Isabel DeMarco (Attorney)	12.4	\$450	2	\$5,580.00
<b>Total</b>	<b>89.8</b>			<b>\$65,552.00</b>

**EXPENSES**

<b>Mediation</b>	<b>Filing Fees/Service</b>	<b>Travel</b>	<b>Copies</b>		<b>TOTAL</b>
\$0.00	\$804.00	\$149.80	\$37.50		<b>\$991.30</b>

**Chestnut Cambronne PA – Lodestar & Expenses**

*In re Peoples Bank, as a Successor to Limestone Bank, Data Breach Litigation,*  
Case No. 2:23-cv-03043-MHW-EPD (S.D. Ohio)

**LODESTAR**

<b><u>Individual</u></b>	<b><u>Hours</u></b>	<b><u>Hourly Rate</u></b>	<b><u>Exp. Years</u></b>	<b><u>Lodestar</u></b>
Philip J. Krzeski (Partner)	54.8	\$595-695	9	\$34,176.00
Gary K. Luloff (Attorney)	8.1	\$595-695	16	\$5,062.50
Allison E. Cole (Attorney)	21.4	\$475	3	\$10,165.00
Charles Shafer (Attorney)	1.6	\$450	1.6	\$720.00
Evan Robert (Law Clerk)	7	\$250	N/A	\$1,750.00
Christopher Jenssen	.5	\$295	N/A	\$147.50
<b>Total</b>	<b>93.4</b>			<b>\$52,021.00</b>

**EXPENSES**

<b>Travel Expenses</b>	<b>Mediation Retainer</b>	<b>Filing Fees</b>	<b>TOTAL</b>
\$896.96	\$2,000	\$402	<b>\$3,298.96</b>

**Milberg Coleman Bryson Phillips Grossman – Lodestar & Expenses**  
*In re Peoples Bank, as a Successor to Limestone Bank, Data Breach Litigation,*  
Case No. 2:23-cv-03043-MHW-EPD (S.D. Ohio)

**LODESTAR**

<b><u>Individual</u></b>	<b><u>Hours</u></b>	<b><u>Hourly Rate</u></b>	<b><u>Exp. Years</u></b>	<b><u>Lodestar</u></b>
David K. Lietz (Partner)	30.8	\$1,141.00	34	\$35,142.80
Gary M. Klinger (Partner)	6.0	\$945.00	15	\$5,670.00
John Nelson (Partner)	1.2	\$838.00	8	\$1,005.60
Dean Meyer (Associate)	8.8	\$413.00	4	\$3,634.40
Mariya Weekes (Partner)	6.0	\$945.00	17	\$5,670.00
Ashley Tyrrell (Paralegal)	2.6	\$258.00		\$670.80
Sandra Passanisi (Paralegal)	0.7	\$258.00		\$180.60
Amanda Simpson (Paralegal)	1.0	\$258.00		\$258.00
Heather Sheflin (Paralegal)	0.7	\$258.00		\$180.60
<b>Total</b>	<b>57.8</b>			<b>\$52,412.80</b>

**Wolf Haldenstein – Lodestar & Expenses**

*In re Peoples Bank, as a Successor to Limestone Bank, Data Breach Litigation,*  
Case No. 2:23-cv-03043-MHW-EPD (S.D. Ohio)

**LODESTAR**

<b><u>Individual</u></b>	<b><u>Hours</u></b>	<b><u>Hourly Rate</u></b>	<b><u>Exp. Years</u></b>	<b><u>Lodestar</u></b>
Carl Malmstrom (Attorney)	12.8	\$650.00	17	\$8,320.00
Carasusana Wall (Attorney)	1.0	\$450.00	13	\$450.00
Ameena Alamuddin (Attorney)	3.1	\$300.00	3	\$930.00
<b><u>Total</u></b>	<b>16.9</b>			<b>\$9,700.00</b>

**EXPENSES**

<b>Delivery/Courier Services</b>	<b>Mediation Retainer</b>	<b>Filing Fees</b>	<b>TOTAL</b>
\$0	\$0.00	\$618.00	<b>\$618.00</b>