

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

**MARK JONES, MICHELLE GOULD,
DICKY WARREN, and CARL JUNG,**
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

**STURM, RUGER & COMPANY, INC.,
and FREESTYLE SOFTWARE, INC.,**

Defendants.

Case No. 3:22-cv-01233-KAD

August 27, 2025

**JOINT DECLARATION OF CLASS COUNSEL MASON A. BARNEY,
GARY M. KLINGER, AND JUSTIN C. WALKER IN SUPPORT OF PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES, EXPENSES, AND SERVICE AWARDS**

We, Mason A. Barney, Gary M. Klinger, and Justin C. Walker, pursuant to 28 U.S.C. § 1746, declare as follows:

1. We are the preliminarily-approved Class Counsel¹ for the putative Settlement Class in the above-captioned case. We have monitored our firms’ participation in the matter from 2022 to the present. We reviewed our firms' billing and expense records, as well as the submitted lodestar and expenses for our co-counsel, Scott + Scott Attorneys at Law, before drafting this Joint Declaration. These billing and expense records are held in the ordinary course of business and audited to ensure they relate to this matter and are not duplicative. This Declaration supports Plaintiffs’ Unopposed Motion for Attorneys’ Fees, Expenses, and Service Awards.

¹ All capitalized terms not otherwise defined shall have the meanings set forth in the Settlement Agreement.

2. We have personal knowledge of the facts in this declaration and could testify to them if called on to do so.

3. We have substantial experience in complex class action litigation, including data breach and cybersecurity cases, having served as counsel in numerous data breach class actions nationwide. As Class Counsel, we have successfully represented consumers in numerous class action lawsuits. Our experience in data privacy litigation provides us with the knowledge necessary to understand the complex technical and legal issues in this case.

4. As preliminarily-approved Class Counsel in this matter, our firms have been centrally involved in all aspects of this litigation from the initial investigation to the present. Our firms have worked alongside other Plaintiffs' Counsel, including Joseph P. Guglielmo of Scott+Scott Attorneys at Law, LLP, in representing the preliminarily-approved Class Representatives and the Settlement Class in achieving robust settlement benefits that have been made available to all Settlement Class Members. We have been the primary points of contact for Plaintiffs with counsel for Defendants Sturm, Ruger & Company, Inc. and Freestyle Software, Inc.

5. It is our opinion, based on our experience and investigation, that the Settlement Agreement presents a favorable result for the Settlement Class.

Background of the Litigation

6. On October 4, 2022, Plaintiff Mark Jones filed a Class Action Complaint against Defendant Ruger, seeking to represent a nationwide class of aggrieved individuals and asserting causes of action for negligence, breach of implied contract, and unjust enrichment. [DE #1]. Following the filing of the Jones' action, Defendants Ruger and Freestyle were named in two other putative class actions filed in the District of New Jersey that were materially and substantively identical.

7. On January 20, 2023, Plaintiffs filed an Amended Class Action Complaint, which is the current, operative complaint, and which added Defendant Freestyle and additional plaintiffs to the action. [DE # 23].

8. The Court dismissed some of the claims in the Amended Complaint, but allowed claims for breach of implied contract and unjust enrichment against Freestyle, and breach of express contract against Ruger to proceed. [DE # 74].

9. After an extensive investigation involving substantial fact and expert discovery, and following several mediation sessions with the Hon. John W. Thornton (Ret.) of JAMS, the Parties were able to reach a settlement in principle on December 6, 2024. Over the following five months, Class Counsel worked directly with counsel for Defendants to negotiate the terms of the Settlement Agreement that was signed on March 9, 2025 [DE # 119-3] (“S.A.”), which provides excellent benefits and substantial relief to the Settlement Class.

10. On May 15, 2025, the Court entered the Preliminary Approval Order preliminarily approving the Settlement, certifying the Settlement Class for purposes of settlement only, appointing Plaintiffs Mark Jones, Michelle Gould, Dicky Warren, and Carl Jung as Class Representatives, appointing the undersigned as Class Counsel for the Settlement Class, appointing Verita Global, LLC as Settlement Administrator, and allowing notice to Settlement Class Members. [DE # 125].

Settlement Benefits

11. The Settlement negotiated by Class Counsel provides for a non-reversionary cash Settlement Fund of \$1,500,000.00, which will be used to pay: (1) claims submitted by Settlement Class Members; (2) attorneys’ fees, costs, and expenses; (3) Service Awards to the Class Representatives; and (4) the costs of settlement administration.

12. Settlement Class Members who submit valid claims are eligible to receive several forms of relief, including: (1) compensation for Out-of-Pocket Losses up to \$4,500 per person; (2) compensation for Lost Time spent remedying issues related to the Data Incident of \$25.00 per hour up to five hours (a total of \$125.00); and (3) a Pro Rata Cash Payment, which is estimated to be \$50, subject to a pro rata increase or decrease not to exceed \$175. The total compensation for any individual Settlement Class Member is capped at \$4,500.

13. Defendant Freestyle Software, Inc. has also agreed to implement and maintain security measures to protect the personal information of Settlement Class Members, which provides valuable prospective relief beyond monetary compensation.

14. Drawing on our extensive experience litigating class actions and other complex cases, we strongly endorse this Settlement as one that delivers meaningful relief to Settlement Class Members. Among the various remedies typically available in national consumer protection class actions such as injunctive relief, declaratory judgments, coupons, and gift cards, Class Counsel have secured the most valuable form of compensation, direct cash payments, as well as injunctive relief.

15. Notice of the Settlement has been given in accordance with the terms of the Settlement Agreement. As of the date of this filing, the Settlement Administrator has received 2,275 claims for benefits, and no Settlement Class Members have objected or opted out of the Settlement. The deadline to object or opt out of the Settlement is September 29, 2025. The claims filing deadline is October 27, 2025.

Time and Expenses

16. Class Counsel requests an award of attorneys' fees in the amount of \$500,000.00, which represents one-third of the Settlement Fund, and reimbursement of reasonable litigation expenses

in the amount of \$35,000.00.

17. The requested fee award and expenses reimbursement comports with the terms of the Settlement Agreement that reflects Class Counsel would apply to the Court for an award of attorneys' fees of up to one-third of the Settlement Fund, plus reimbursement of reasonable litigation expenses not to exceed \$35,000.00. S.A. ¶ 107. The Parties did not discuss the payment of attorney's fees or expenses prior to agreeing to the essential terms of the Settlement.

18. Class Counsel have served as the principal lawyers in charge of all aspects of the litigation and worked collaboratively in the case to ensure that Plaintiffs and the Class which they sought to represent were zealously represented, while also ensuring efficiency and reducing duplicative effort.

19. To date, Class Counsel have devoted significant time to this litigation, including: investigating the nature and cause of the Data Incident; researching relevant laws and regulations pertaining to data breaches; drafting the original and amended complaints; responding to Defendants' motions to dismiss; conducting extensive fact discovery; engaging with technical and damages experts; preparing for and participating in multiple mediation sessions; negotiating the Settlement Agreement and Exhibits; preparing settlement approval papers; communicating with the Settlement Administrator and Class Representatives; and working with the Settlement Administrator and Defendants' counsel to effectuate notice and administer the Settlement.

20. The above tasks, and those not specifically enumerated, required a significant expenditure of time, effort, and resources. This litigation has consumed substantial time that our firms could have devoted to other fee-generating matters. The time and labor devoted to this case have been necessary to achieve the favorable outcome for the Settlement Class.

21. By taking this case on contingency, Class Counsel assumed the risk of expending significant resources without compensation if unsuccessful. Class Counsel have not received any payment for their work in this case to date and have not been reimbursed for any of their litigation expenses.

22. Records kept by Class Counsel of the aforementioned work reflect that attorneys and paralegals worked a combined 1,213.70 hours on this litigation, which, multiplied by the current hourly rates amounts to \$869,301.30 in lodestar. The hours were reasonably spent on the efficient and effective investigation, prosecution, and resolution of this matter and Class Counsel's current rates are also appropriate in light of prevailing rates for similar legal services provided by lawyers of reasonably comparable skill, experience, and reputation. Here, Class Counsel's current hourly rates have previously been approved as reasonable for settlement purposes in Circuit Courts throughout the country.

23. The 1,213.70 hours do not include time Class Counsel will spend on continuing services to the Class, including drafting and filing the final approval motion, attending the final settlement hearing, responding to Settlement Class Members' inquiries, supervising the claims administration in the review and processing of claims, and overseeing the distribution of payments to Settlement Class Members.

24. Our firms and co-counsel have incurred reasonably necessary expenses in prosecuting this litigation, including expert fees, mediation costs, travel expenses for court appearances and mediation, and other litigation expenses. These costs also reflect typical expenses of the type ordinarily passed on to fee-paying clients in general legal practice and are also typically recoverable in a specialized complex class action practice as they are necessary and reasonable to prosecuting a class action.

25. With respect to the unreimbursed expenses, Class Counsel have spent a total of \$45,579.61 in this litigation, including necessary costs associated with research, filing fees, expert costs, and mediation costs. Class Counsel seek only the \$35,000.00 established by the Settlement. Class Counsel will likely incur additional expenses, including travel and research costs related to final approval.

Details of Time and Expenses

26. Class Counsel kept contemporaneous records and detailed itemizations of their time, lodestar and expenses. The total hours, lodestar and expense information for Class Counsels' firms and co-counsel Scott+Scott Attorneys at Law LLP are as follows:

	Hours	Lodestar	Expenses
Markovits, Stock & DeMarco, LLC	370.40	\$266,915.50	\$10,460.96
Milberg Coleman Bryson Phillips Grossman, PLLC	196.60	\$162,800.30	\$23,836.50
Siri & Glimstad LLP	473.90	\$318,207.00	\$10,657.10
Scott+Scott Attorneys at Law LLP	172.80	\$121,378.50	\$625.05
Total	1,213.70	\$869,301.30	\$45,579.61

A summary indicating the amount of time expended by the partners, associates, and professional support staff and the expenses of each firm involved in the litigation as of August 27, 2025, is set forth below:

A. Markovits, Stock & DeMarco, LLC

Timekeeper	Hours	Hourly Rate	Years	Lodestar
Terence R. Coates (Partner)	33.40	\$ 895.00	15	\$ 29,893.00
Justin C. Walker (Of Counsel)	249.80	\$ 750.00	19	\$ 187,350.00
Dylan Gould (Associate)	33.00	\$ 590.00	6	\$ 19,470.00
Isabel DeMarco (Associate)	12.70	\$ 450.00	2	\$ 5,715.00
Spencer Campbell (Associate)	11.10	\$ 430.00	2	\$ 4,773.00
Jon Deters (Associate)	30.30	\$ 650.00	9	\$ 19,695.00
Brandy Mathews (Paralegal)	0.10	\$ 195.00		\$ 19.50
Total	370.40			\$ 266,915.50

Expense	Amount
Filing, PHV Fees	\$ 600.00
Photocopies	\$ 47.35
Expert Costs	\$ 6,245.00
Mediation	\$ 3,475.00
Fed Ex Overnight	\$ 93.61
Total	\$ 10,460.96

B. Milberg Coleman Bryson Phillips Grossman, PLLC

Timekeeper	Hours	Hourly Rate	Years	Lodestar
David Lietz (Senior Partner)	33.50	\$ 1,141.00	33	\$ 38,223.50
Vicki Maniatis (Senior Partner)	0.20	\$ 1,057.00	31	\$ 211.40
Gary Klinger (Senior Partner)	38.20	\$ 1,057.00	14	\$ 40,377.40
John Nelson (Partner)	60.30	\$ 839.00	7	\$ 50,591.70
Mariya Weekes (Partner)	17.30	\$ 948.00	16	\$ 16,400.40
Dean Meyer (Attorney)	8.10	\$ 839.00	3	\$ 6,795.90
CJ Cuneo (Attorney)	0.20	\$ 948.00	6	\$ 189.60
Sandra Passanisi (Paralegal)	13.00	\$ 258.00		\$ 3,354.00
Heather Sheflin (Paralegal)	2.10	\$ 258.00		\$ 541.80
Michelle Benvenuto (Paralegal)	0.10	\$ 258.00		\$ 25.80
Kerry Brennan (Paralegal)	0.80	\$ 258.00		\$ 206.40
Amanda Mkamanga (Paralegal)	0.30	\$ 258.00		\$ 77.40
Ash Tyrrell (Legal Assistant)	14.20	\$ 258.00		\$ 3,663.60
Megan Moore (Legal Assistant)	3.30	\$ 258.00		\$ 851.40
Tiffany Kuiper (Paralegal)	5.00	\$ 258.00		\$ 1,290.00
Total	196.60			\$ 162,800.30

Expense	Amount
Filing, PHV Fees	\$ 200.00
Service of Process	\$ 166.75
Expert Fees	\$ 23,469.75
Total	\$ 23,836.50

C. Siri & Glimstad LLP

Timekeeper	Hours	Hourly Rate	Years	Lodestar
Mason Barney (Senior Partner)	84.00	\$ 975.00	20	\$ 81,900.00
Sean Nation (Associate)	40.10	\$ 975.00	19	\$ 39,097.50
Walker Moller (Partner)	0.80	\$ 950.00	11	\$ 760.00
Steven Cohen (Associate)	45.70	\$ 950.00	16	\$ 43,415.00
Ursula Smith (Associate)	1.40	\$ 850.00	12	\$ 1,190.00
Oren Faircloth (Associate)	1.50	\$ 840.00	9	\$ 1,260.00
Tyler Bean (Partner)	24.90	\$ 725.00	6	\$ 18,052.50
Neil Williams (Associate)	145.40	\$ 585.00	5	\$ 85,059.00
Sonal Jain (Associate)	0.90	\$ 585.00	4	\$ 526.50
Gabrielle Williams (Associate)	39.20	\$ 575.00	2	\$ 22,540.00
Laura Carroll (Associate)	1.30	\$ 575.00	4	\$ 747.50
Jennifer Malainy (Law Clerk)	9.70	\$ 325.00		\$ 3,152.50
Kimberly Hertz (Senior Paralegal)	1.20	\$ 275.00		\$ 330.00
Alcira Pena (Paralegal)	74.60	\$ 260.00		\$ 19,396.00
Cherie Cornfield (Paralegal)	0.50	\$ 260.00		\$ 130.00
Enrica Peters (Paralegal)	2.10	\$ 260.00		\$ 546.00
Mike Malainy (Marketing Manager)	0.60	\$ 175.00		\$ 105.00
Total	473.90			\$ 318,207.50

Expense	Amount
Filing, PHV Fees	\$ 827.00
Service of Process	\$ 300.00
Research Expenses	\$ 241.70
Mediation	\$ 2,938.00
Expert Fees	\$ 6,245.00
FedEx Overnight	\$ 105.40
Total	\$ 10,657.10

D. Scott + Scott Attorneys at Law

Timekeeper	Hours	Hourly Rate	Years	Lodestar
Joseph Guglielmo (Partner)	27.30	\$ 1,420.00	29	\$ 38,766.00
Anja Rusi (Associate)	84.00	\$ 665.00	9	\$ 55,860.00
Tara Shayler (Paralegal)	61.50	\$ 435.00		\$ 26,752.50
Total	172.80			\$ 121,378.50

Expense	Amount
Filing, Witness & Other Fees	\$402.00
Process of Service	\$182.80
Photocopies	\$37.25
Research	\$3.00
Total	\$625.05

27. The requested attorney fee of \$500,000.00, or one-third of the Settlement Fund, when cross-checked against Class Counsel's lodestar, reflects a negative lodestar adjustment resulting in a multiplier of 0.57. Because there is additional work required to obtain final approval, monitor the Settlement, and assist Settlement Class Members, Class Counsel's lodestar will continue to increase through final approval and settlement administration, making the ultimate multiplier even lower.

28. Class Counsel undertook this matter on a fully contingent basis, with no guarantee of payment or reimbursement. Had Class Counsel not achieved a recovery on behalf of the Settlement Class, we would not have received compensation for our time or reimbursement of our expenses.

29. The expenses pertaining to this case are reflected in the books and records of Class Counsel. The total of the expenses for which Class Counsel seek reimbursement was calculated from receipts, expense vouchers, check records and other documents maintained by the respective law firms.

30. The rates charged by Class Counsel in calculating a lodestar cross-check are our standard hourly rates and are comparable to prevailing rates for attorneys of similar experience, skill, and reputation in complex class action litigation.

Service Awards

31. Pursuant to the Settlement Agreement, Class Counsel also request approval of Service Awards of \$3,500.00 each (\$14,000 total) for the four Class Representatives: Mark Jones, Michelle Gould, Dicky Warren, and Carl Jung. See S.A. ¶ 106. The requested Service Awards are reasonable and justified.

32. Each of the Class Representatives demonstrated a desire and willingness to undertake time consuming responsibilities and fiduciary duties on behalf of the class. Each Class Representative has been continuously actively involved in this litigation, including: providing personal information and documents to Class Counsel; reviewing and approving the Complaint and Amended Complaint before filing; responding to formal interrogatories and requests for production of documents from Defendants; searching for and producing responsive documents related to their claims; regularly communicating with Class Counsel about case developments; making themselves available for potential deposition and trial testimony; providing information to aid the negotiation process; maintaining availability throughout the settlement process to answer questions and represent the interests of the Settlement Class; and reviewing and approving the Settlement Agreement.

33. The Class Representatives have demonstrated commitment to this case and to representing the interests of absent class members. By stepping forward as named plaintiffs in a data breach case, they have publicly associated themselves with a cybersecurity incident involving their personal and financial information, which carries inherent privacy and reputational risks.

Settlement Notice and Administration

34. The Settlement Administrator provided direct notice to 183,082 Settlement Class Members. The notice program includes direct notice via email and/or postal mail, along with a

settlement website where Settlement Class Members can obtain additional information and file claims.

35. As of the date of this declaration, the claims process is ongoing. Information about claims received, opt-out requests, and objections will be updated prior to the Final Approval Hearing.

36. Based on our experience in similar data breach cases, we believe that the notice program is well designed to reach a high percentage of Settlement Class Members and inform them of their rights and options under the Settlement.

Conclusion

37. Based on our experience in complex class action litigation, we believe that the Settlement provides significant benefits to the Settlement Class and is fair, reasonable, and adequate.

38. While confident in ultimate success, we recognize this evolving area of law presents novel, complex questions with uncertain outcomes. Given the risks and expense of continued litigation that would require hundreds, or perhaps even thousands, of hours of additional work, including extensive discovery, challenges to class certification, contested liability issues, the uncertainty of recovery at trial, and potential appeals, the Settlement represents an excellent result for the Settlement Class.

39. The requested award of attorneys' fees and reimbursement of expenses are reasonable and appropriate given the results achieved, the risks undertaken, the complexity of the case, and prevailing rates in similar class actions.

40. The requested Service Awards are also reasonable and appropriate given the time, effort, and risks undertaken by the Class Representatives to pursue this litigation on behalf of the Settlement Class.

We declare under penalty of perjury that the foregoing is true of our own personal knowledge.

Dated: August 27, 2025

Respectfully submitted,

/s/ Mason A. Barney

Mason A. Barney *by Justin C. Walker per consent*
Siri & Glimstad, LLP

Dated: August 27, 2025

Respectfully submitted,

/s/ Gary M. Klinger

Gary M. Klinger *by Justin C. Walker per consent*
Milberg Coleman Bryson
Phillips Grossman, PLLC

Dated: August 27, 2025

Respectfully submitted,

/s/ Justin C. Walker

Justin C. Walker
Markovits, Stock & DeMarco, LLC