



## AlaFile E-Notice

01-CV-2023-903893.00

Judge: ELISABETH A. FRENCH

To: JONATHAN S. MANN  
jonm@pittmandutton.com

---

# NOTICE OF ELECTRONIC FILING

---

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

DANIEL SULLEN ET AL V. VIVINT INC  
01-CV-2023-903893.00

The following matter was FILED on 4/1/2024 4:17:48 PM

**C001 SULLEN DANIEL**

**C002 RENFROE JOSHUA**

PLAINTIFFS' MOTION & MEMORANDUM FOR APPROVAL OF ATTORNEYS' FEES, EXPENSES AND  
SERVICE AWARDS

[Filer: MANN JONATHAN STEPHEN]

Notice Date: 4/1/2024 4:17:48 PM

JACQUELINE ANDERSON SMITH  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
JEFFERSON COUNTY, ALABAMA  
716 N. RICHARD ARRINGTON BLVD.  
BIRMINGHAM, AL, 35203

205-325-5355  
jackie.smith@alacourt.gov



STATE OF ALABAMA

Revised 3/5/08

Cas

Unified Judicial System

01-JEFFERSON

District Court  Circuit Court

CV2

CIVIL MOTION COVER SHEET

DANIEL SULLEN ET AL V. VIVINT INC

Name of Filing Party: C001 - SULLEN DANIEL  
C002 - RENFROE JOSHUA

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

JONATHAN S. MANN  
2001 PARK PLACE N., STE. 1100  
BIRMINGHAM, AL 35203

Attorney Bar No.: MAN057

Oral Arguments Requested

TYPE OF MOTION

Motions Requiring Fee

Motions Not Requiring Fee

- Default Judgment (\$50.00)  
Joinder in Other Party's Dispositive Motion  
(i.e. Summary Judgment, Judgment on the Pleadings,  
or other Dispositive Motion not pursuant to Rule 12(b))  
(\$50.00)
- Judgment on the Pleadings (\$50.00)
- Motion to Dismiss, or in the Alternative  
Summary Judgment (\$50.00)  
Renewed Dispositive Motion (Summary  
Judgment, Judgment on the Pleadings, or other  
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- Summary Judgment pursuant to Rule 56 (\$50.00)
- Motion to Intervene (\$297.00)
- Other \_\_\_\_\_  
pursuant to Rule \_\_\_\_\_ (\$50.00)

- Add Party
- Amend
- Change of Venue/Transfer
- Compel
- Consolidation
- Continue
- Deposition
- Designate a Mediator
- Judgment as a Matter of Law (during Trial)
- Disburse Funds
- Extension of Time
- In Limine
- Joinder
- More Definite Statement
- Motion to Dismiss pursuant to Rule 12(b)
- New Trial
- Objection of Exemptions Claimed
- Pendente Lite
- Plaintiff's Motion to Dismiss
- Preliminary Injunction
- Protective Order
- Quash
- Release from Stay of Execution
- Sanctions
- Sever
- Special Practice in Alabama
- Stay
- Strike
- Supplement to Pending Motion
- Vacate or Modify
- Withdraw

\*Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees.

Local Court Costs \$ 0 \_\_\_\_\_

Other Plaintiffs' Motion & Memorandum for Approval of Attorneys' Fees, Expenses and Service Awards

pursuant to Rule 23 \_\_\_\_\_ (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees)

Date: 4/1/2024 4:15:08 PM

Signature of Attorney or Party  
/s/ JONATHAN S. MANN

\*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

\*\*Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
 BIRMINGHAM DIVISION**

<b>DANIEL SULLEN and JOSHUA RENFROE,</b>	)	
<b>on behalf of themselves and other persons</b>	)	
<b>similarly situated,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
<b>v.</b>	)	<b>Case No.: 01-CV-2023-903893</b>
	)	
<b>VIVINT, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFFS’ MOTION & MEMORANDUM FOR APPROVAL OF  
 ATTORNEYS’ FEES, EXPENSES, AND SERVICE AWARDS**

Dated: April 1, 2024

**PITTMAN, DUTTON, HELLUMS, BRADLEY  
 & MANN, P.C.**  
 Jonathan S. Mann  
 Austin B. Whitten  
 Tom Dutton  
 Michael C. Bradley  
 2001 Park Place North, Suite 1100  
 Birmingham, AL 35203  
[jonm@pittmandutton.com](mailto:jonm@pittmandutton.com)  
[austinw@pittmandutton.com](mailto:austinw@pittmandutton.com)  
[tomd@pittmandutton.com](mailto:tomd@pittmandutton.com)  
[mikeb@pittmandutton.com](mailto:mikeb@pittmandutton.com)  
 Tel: 205-322-8880  
 Fax: 205-328-2711

*Counsel for Plaintiffs and the Settlement Classes*

## I. INTRODUCTION

The Parties in this putative class action brought under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.* (“FCRA”) as well as Alabama state law reached a Settlement Agreement that provides significant and valuable relief for Class Members.<sup>1</sup> The Settlement provides all persons within the Settlement Classes with the ability to receive significant cash payments for the injuries they suffered, as well as meaningful injunctive relief to protect them against future misuse of their credit report information and debt collection efforts. The Settlement Agreement establishes a Settlement Fund in the maximum amount of \$9,750,000, to provide compensation to Class Members who file valid and timely claims.

With this Motion, Class Counsel asks the Court to approve (1) a reasonable attorney’s fee award of \$3,250,000.00, which amounts to one-third of the total Settlement Fund, (2) reimbursement of Class Counsel’s expenses totaling \$161,000.36, and (3) Service Awards of \$15,000.00 to each of the two Class Representatives. As explained in detail below and supported by the attached Declaration of Jonathan S. Mann (“Mann Decl.”) (attached hereto as Exhibit A), Class Counsel’s requests for attorneys’ fees and costs, as well as the reasonable Service Awards, are justified considering the major investments, risks, exceptional monetary and non-monetary relief provided under the Settlement Agreement, and are consistent with Alabama law and other awards in similar cases.

Both Class Counsel and the Class Representatives devoted significant money, time, energy, and effort to the prosecution of the Settlement Class Members’ claims, and their efforts yielded an extraordinary benefit for thousands of consumers nationwide. The requested attorneys’ fees and

---

<sup>1</sup> Capitalized terms not herein defined shall have the meaning ascribed to them in Settlement Agreement, which was previously filed as “Exhibit A” to Plaintiffs’ Unopposed Motion and Memorandum in Support of Preliminary Approval of Class Action Settlement (Doc. 24).

costs and Service Awards are justified in light of the excellent results obtained for the Settlement Class Members. Thus, Plaintiffs and Class Counsel respectfully move the Court to approve the awards requested herein.

## **II. BACKGROUND**

### **A. The Claims Against Vivint**

Defendant Vivint, among other things, provides smart home security services and related equipment to its customers, who sometimes finance the purchase of the equipment (e.g., cameras, sensors, etc.) through third-party lenders that partner with Vivint. As an ordinary part of its business practices, Vivint creates new home security service accounts with customers, collecting certain personal identifying information, in part, to access would-be customers' credit report information to verify their identity and credit worthiness for the payment of monthly fees or eligibility for financing of equipment purchases through Vivint's third-party lending partners.

However, investigation by Plaintiffs' counsel revealed that, in certain instances, the individual whose credit report information Vivint accessed differed from the individual seeking security services or equipment from Vivint. In such circumstances, the consumer whose credit report information was accessed may not have known that Vivint inquired and obtained their credit report information since they never knew about or consented to it. As such, Plaintiffs allege that Vivint lacked a permissible purpose to access that credit report information in violation of the FCRA, amounting to willful violations of the statute. Counsel further determined that, sometimes, when the payment obligations of the unauthorized accounts became delinquent, it resulted in collection efforts against consumers who were not Vivint accountholders or customers, who also never signed a contract. These efforts, at times, targeted the unsuspecting consumer (rather than the individual who actually received the security services with the financed equipment), including instances where a third-party purchaser of the delinquent Vivint account furnishes derogatory

credit report information (i.e., that the account is past due) to consumer reporting agencies (e.g., Equifax or TransUnion).

### **B. The Litigation**

On April 9, 2019, Plaintiffs' counsel filed a Class Action Complaint against Vivint for violations of the FCRA and Alabama state law claims in federal court. Vivint thereafter hired highly competent and experienced defense counsel. Vivint answered Plaintiffs' Second Amended Complaint, raising several defenses, including that Plaintiffs were seeking to represent a "fail safe," subjective, and indeterminate class that could not be certified and that Plaintiffs had not suffered any actual injury and/or lacked standing under Article III. The Parties fiercely litigated the merits of the case for more than two (2) years. The litigation included the following, *inter alia*:

- Plaintiffs' filing of two amended complaints and Vivint's answers;
- Extensive written discovery exchanged by the Parties, including four (4) sets of interrogatories and requests for production of documents served on Vivint, as well as two (2) sets of requests for admissions, and five (5) non-party subpoenas;
- Vivint's productions of over seven thousand pages of documents and voluminous amounts of other electronically stored information, including massive Excel-spreadsheet datasets;
- Plaintiffs' productions of documents and other electronically stored information;
- Multiple lengthy letters and dozens of meet and confers regarding discovery disputes, discovery plans, and specific and general case management issues;
- Plaintiffs' depositions of five (5) of Vivint's executives, as well as three (3) separate depositions of Vivint's 30(b)(6) corporate representative;
- Vivint's depositions of each of the Plaintiffs;
- Full briefing and a hearing on Plaintiffs' motion to compel additional discovery from Vivint;
- Full briefing on Plaintiffs' motion for class certification;
- Full briefing on Vivint's motion to strike Plaintiffs' class certification expert;

- Plaintiffs retained and disclosed three (3) additional experts to support their claims, including a certified fraud examiner, a cyber security standards expert, and a credit damages expert;
- Vivint's depositions of all four (4) of Plaintiffs' experts, including one expert being deposed twice;
- Full briefing on Vivint's three (3) additional motions to strike Plaintiffs' additional experts and their reports;
- Full briefing on Plaintiffs' motion for leave to supplement Plaintiffs' reply brief in further support of class certification; and,
- Full briefing on Vivint's motion for summary judgment on all claims. This motion alone included more than 163 pages of briefing and thousands of pages of exhibits.

### **C. Settlement Negotiations**

With both sides facing the uncertainty of the pending class certification decision and the possibility of incurring liability on a class-wide basis or a decision of no liability at all, the Parties then agreed to engage in settlement negotiations to determine if a class-wide settlement could be reached. To that end, counsel for Plaintiffs and for Vivint expended significant efforts in exchanging additional documents and information regarding Vivint's practices relevant to the members of the proposed Settlement Classes. The parties hired past Alabama State Bar President and experienced litigator and mediator Lee Copeland, Esq. of Copeland, Franco, Screws & Gill, P.A. to mediate their negotiations, which unfolded over the course of numerous sessions (in person, virtually, and countless phone calls). After conducting extensive negotiations, the Parties were finally able to reach an agreement in principle to resolve the case. Counsel for Plaintiffs and for Vivint expended substantial further efforts and resources in finalizing the Settlement Agreement, including the form of notice that was to be provided to Class Members, as well as the scope of the release and settlement benefits. The Parties then sought bids from claims administrators, and ultimately agreed on one, A.B. Data, Ltd., after an extensive bidding and



vetting process. Eventually, these discussions culminated in the Settlement Agreement that this Court previously preliminarily approved on January 16, 2024. The Settlement Agreement resulted from hard fought and adversarial negotiations over a long period of time with the assistance, input, and oversight of Mr. Copeland. The time and effort spent by all parties to this litigation – under the auspices of Mr. Copeland – demonstrate the rigor, intensity, and thoroughness of mediation efforts, as well as the commitment of the Class Representatives and Class Counsel working to achieve a resolution that would greatly benefit all Class Members.

### **III. THE SETTLEMENT BENEFITS**

#### **A. Significant Monetary Payments to the Class from the Settlement Fund**

The Settlement negotiated on behalf of the Class provides for monetary relief to be paid by Vivint to eligible claimants of two Settlement Classes that Counsel believes includes thousands of persons who had illegitimate Vivint accounts created in their names without their authority. Defendant will fund the Settlement Fund, up to a maximum amount of \$9,750,000.00. Each valid claimant will be entitled to a payment from the Settlement Fund equal to the sum of (1) \$1,200.00 times the number of accounts created in their name without authorization for which they were subjected to collection efforts (a Damages Settlement Class Account) and (2) \$250.00 times the number of accounts created in their name for which no evidence of collection efforts exists (an Injunctive Settlement Class Account). Payouts to claimants will be made from the Settlement Fund after the payments are made for notice and administration costs, attorneys' fees and costs, and service awards to the two Class Representatives. (Doc. 24, Ex. A, §§ 2.2, 2.3, 7.1, 8.1.) In the event the value of claims exceeds the value of the Distributable Settlement Fund, (*Id.*, §§ 1.27, 2.3(a)), the amount paid on each Approved Claim will be adjusted downward *pro rata*, so that the Distributable Settlement Fund is sufficient to pay all Approved Claims. (*Id.*, § 2.3(e).) The

Settlement provides for only one claim per person, and, while nothing shall prevent any individual from recovering for both Damages Settlement Class Accounts and Injunctive Settlement Class Accounts, a Settlement Class Member may receive only a single recovery per Settlement Class Account. (*Id.*, §§ 1.20, 1.40, 1.64, 1.65, 2.3(d)). In other words, a Settlement Class Account can either be a Damages Settlement Account or an Injunctive Settlement Class Account, not both. The minimum amount a Class Member with an Approved Claim will receive under the Settlement is \$250, and there is no cap on the maximum value of a claim—Counsel expects some claimants to receive payments of \$3,600 and higher. Counsel also anticipates that each member of the Settlement Classes will likely receive the full value of their claim, although the payment amounts may be lowered if the ultimate number of valid Claim Forms submitted is higher than anticipated.

#### **B. Injunctive Relief to Protect the Class from Any Further Harm**

The Settlement also provides valuable injunctive, non-monetary, relief, and protections to the Settlement Classes and the public. Vivint agreed to do the following acts and implement the following material changes to its business practices in order to minimize, if not effectively eliminate, unauthorized account creation or debt collection efforts:

- i. Vivint will remove each approved Claimant from any unauthorized Vivint account(s) with which he or she is associated, to the extent they are so associated;
- ii. In order to verify that the customer has consented to Vivint accessing his or her consumer report, Vivint will incorporate into its pre-qualification credit inquiry a process that:
  - a. requires the customer to provide the last four digits of the customer's social security number; and
  - b. if the system returns a mismatch, will block the transaction from proceeding until sufficient information is entered to produce a match;
- iii. Vivint will incorporate into its financing application process a system to verify the consumer's identity that includes requiring the customer to present government-issued identification;

- iv. Vivint will incorporate into its financing application process a process whereby the customer prepares the financing application from the customer's own device;
- v. Vivint will incorporate into its financing application process a process whereby the customer acknowledges that he or she agrees and understands that Vivint will be using his or her personal information to access his or her consumer report for the purpose of financing home security equipment from Vivint;
- vi. Vivint will incorporate a policy requiring that a government-issued identification for each person signing a Vivint contract for equipment or services be viewed or captured during the account creation or installation processes; and
- vii. Vivint will take reasonable steps to verify every name and address included with a Vivint account to confirm that the individual is properly included within the account prior to:
  - a. attempting to collect any debt;
  - b. referring an account to a debt collector;
  - c. selling any debt to a debt buyer; or,
  - d. reporting any debt to a consumer reporting agency.

*(Id., § 2.8.)*

### **C. Notice Has Been Sent to the Settlement Class Pursuant to the Notice Plan**

Under the Settlement Agreement's Notice Plan, which was previously approved as reasonable by the Court and currently in effect, both Direct Notice and Publication Notice has been issued. Specifically, Direct Notice has been sent to 16,621 potential Damages Class Member by postcard via United States Postal Service, and the Publication Notice campaign was initiated on February 13, 2024. The settlement website ([www.VivintFCRASettlement.com](http://www.VivintFCRASettlement.com)) and online Publication Notice will continue to be posted until the Claims Period closes.

## **IV. ARGUMENT**

### **A. The Court Should Award Class Counsel's Requested Attorneys' Fees.**

Pursuant to the Settlement Agreement, Class Counsel seeks attorneys' fees in the amount of \$3,250,000.00, which constitutes one-third of the Settlement Fund, and \$161,000.36 for

reimbursement of the litigation costs and expenses that were advanced and paid by Class Counsel. The requested fee is well within the range of approved fees in other class actions, pursuant to Alabama law, and is fair and reasonable in light of the significant recovery secured on behalf of the Settlement Class Members by Class Counsel's efforts.

It is well established under Alabama law that attorneys who, by their efforts, create a common fund for the benefit of a class are entitled to reasonable fees and costs based on the common benefit achieved. *Edelman & Combs v. Law*, 663 So.2d 957, 959 (Ala. 1995) (citing *Ex parte Brown*, 562 So. 2d 485, 495 (Ala. 1990); *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980) (“[A] litigant or a lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorney’s fee from the fund as a whole.”)). This rule is “an equitable principle designed to compensate the attorney whose services on behalf of his client created a fund to which others may have a claim.” *City of Ozark v. Trawick*, 604 So. 2d 360, 364 (Ala. 1992) (citing *Maryland Casualty Co. v. Tiffin*, 537 So. 2d 469 (Ala.1988)). “In some cases, 20% may be reasonable, based upon the amount of the award and other factors. In other cases 40%, or even 50%, may be justified. A trial court must carefully weigh the factors.” *Edelman*, 663 So. 2d at 960.

Alabama courts consistently apply the “percentage-of-the-fund” approach for cases, such as this one, where a common monetary fund is established for the benefit of a class of individuals. See *Union Fid. Life Ins. Co. v. McCurdy*, 781 So. 2d 186, 189 (Ala. 2000) (“the common-fund approach is the preferred method for calculating attorney fees in class actions”); see also *Blum v. Stenson*, 465 U.S. 886, 900 (1984) (“under the ‘common fund doctrine’ . . . a reasonable fee is based on a percentage of the fund bestowed on the class”). Further, the United States Supreme Court has held that negotiated, agreed-upon attorneys’ fee provisions are ideal toward which

parties should strive. See *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983) (“A request for attorneys’ fees should not result in a second major litigation. Ideally, of course, litigants will settle the amount for a fee.”). Here, the parties and their counsel all agree that the fee requested is reasonable under the law and facts of the case.

Although fee awards based on the percentage of the fund may vary, the Supreme Court of Alabama affirmed that fee awards of 33 ⅓% can be reasonable in many cases.<sup>2</sup> In *Reynolds v. First Alabama Bank of Montgomery, N.A.*, 471 So.2d 1238 (1985), the trial court awarded class counsel one-third of the common fund that was created by the settlement and, in affirming the award, the Court noted that there have been “courts that have assessed one-third, or even higher fees which we, after reading the decisions, also conclude were reasonable.” *Id.* at 1245. In *Edelman*, the Court concluded that “[s]everal factors, including the number of lawyers who were actively engaged for over four years in the handling of the claims, the complexity of the litigation, as well as the management responsibilities inherent in a class action, and the result obtained, would justify an award of an amount between 20% and 33 ⅓% of the amount of the settlement.” *Edelman*, 663 So. 2d at 961. “In some cases, 20% may be reasonable, based upon the amount of the award and other factors. In other cases 40%, or even 50%, may be justified. A trial court must carefully weigh the factors.” *Id.* at 960.

---

<sup>2</sup> Federal courts within Alabama have reached similar conclusions. See, e.g., *Waters v. Cook’s Pest Control, Inc.*, No. 2:07-CV-00394, 2012 WL 2923542, \*18 (N.D. Ala. July 17, 2012) (“[A]n award of 35% of the Settlement Fund is well within the range of 20% to 50%, which has been generally established in this circuit.”). Alabama courts routinely rely on federal court case law when analyzing issues in class action cases. See *Union Fid.*, 781 So. 2d at 189 (“As we have said before, Alabama will look to federal law in interpreting this most complex area of litigation.”) (citing *Adams v. Robertson*, 676 So.2d 1265, 1268 (Ala.1995)).

**B. Class Counsel’s Requested Attorneys’ Fee is Reasonable and Supported under the *Peebles* Factors.**

The Supreme Court of Alabama established general guidelines for trial courts to consider in determining a reasonable attorney fee award in *Peebles v. Miley*, 439 So.2d 137 (Ala.1983). In *Edelman*, the Court confirmed that the *Peebles* factors should be considered by the trial court when determining fees for counsel in a class action case. The *Peebles* factors are:

- (1) “the nature and value of the subject matter of the employment”;
- (2) “the learning, skill, and labor requisite to its proper discharge”;
- (3) “the time consumed”;
- (4) “the professional experience and reputation of the attorney”;
- (5) “the weight of his responsibilities”;
- (6) “the measure of success achieved”;
- (7) “the reasonable expenses incurred by the attorney”;
- (8) “[w]hether the fee is fixed or contingent”;
- (9) “[t]he nature and length of a professional relationship”;
- (10) “[t]he fee customarily charged in the locality for similar legal services”;
- (11) “[t]he likelihood that a particular employment may preclude other employment”; and,
- (12) “[t]he time limitations imposed by the client or by the circumstances.”

*Edelman*, 663 So. 2d at 960. Importantly, “not all of these criteria are applicable in every case” and “a trial court may consider those that are [applicable], along with other pertinent facts, in approving attorney fees.” *Id.* In addition, other factors may also be pertinent, including, for

example, “whether there are any substantial objections by class members or other parties to the settlement terms or the fees requested by counsel, any non-monetary benefits conferred upon the class by the settlement, and the economics involved in prosecuting a class action.” *Camden I*, 946 F.2d at 775. Here, the analysis of the factors below demonstrates that the requested fee award is amply justified.

**1. “The nature and value of the subject matter of the employment”**

Plaintiffs’ allegations in this case are that Defendant and its agents, over the course of many years, engaged in nationwide schemes to illegally access the credit report information of random, unsuspecting people, and then use those people’s information to open unauthorized accounts for Defendant’s services, which resulted in the victims being aggressively pursued for debts they did not owe and, in many instances, losing borrowing power due to a drop in their credit scores. Plaintiffs and Counsel believe the prosecution of this case has been incredibly valuable to the public at large, both by bringing the schemes to light and forcing Defendant to change its policies to stop the alleged wrongful conduct, and by seeking and securing monetary relief for victims across the country.

**2. “The learning, skill, and labor requisite to its proper discharge”**

It is well recognized that class actions are complex actions to prosecute due to their inherently complicated legal and factual issues. Courts consistently suggest that cases that are “more complex, involve the lives and fortunes of larger numbers of people, and have a greater public value,” such as “class action cases,” warrant higher fees. See *Edelman*, 663 So. 2d at 960–61 (“Class actions are designed to provide a vehicle for redress where wrongful conduct has resulted in harm to a great number of people . . . in such cases, fee awards of as high as 50% of the recovery may be justified . . . taking into account the management responsibilities inherent in a

class action”). Defendant has denied, and continues to deny, all allegations of wrongdoing and liability arising out of the Plaintiffs’ allegations. And, Defendant has denied, and continues to deny, that Plaintiffs suffered injury or that they were harmed by Defendants conduct. Further, this specific class action involved complex issues in the fields of consumer fraud and protection, which required Class Counsel to study the field be able to understand Defendant’s alleged liability and Plaintiffs’ damages. Class Counsel were also required to retain and communicate with experts in these specialized fields to identify the issues and effectively prosecute the case. (Mann Decl. ¶ 15.)

### 3. “The time consumed”

The *Edelman* Court emphasized that “the ‘expended time’ factor has limited significance in a common fund case” and quoted an analogy stating that “[a] surgeon who skillfully performs an appendectomy in seven minutes is entitled to no smaller fee than one who takes an hour; many a patient would think he is entitled to more.” *Edelman*, 663 So. 2d at 960. Here, Class Counsel investigated and litigated this case rigorously and thoroughly, which included pre-suit investigations, extensive legal researching, drafting pleadings, hiring four different experts to provide reports and testimony to support both liability and damages, moving for class certification, conducting extensive written discovery, reviewing thousands of pages of documents, compelling additional discovery, taking and defending more than a dozen depositions, attending and arguing at hearings, defending motions to exclude each expert, defending against summary judgment, successfully negotiating the class-wide Settlement with meaningful relief, seeking approval of the Settlement, and now overseeing the administration of the settlement. Indeed, Class Counsel spent thousands of hours prosecuting this matter. (Mann Decl. ¶¶ 10-18.)

Further, the Settlement Agreement was negotiated at arms-length in an adversarial manner, which required counsel to expend a considerable amount of time and effort in coordinating various



litigation and settlement strategies. Had this case not settled when it did, it is certain that substantial expense, duration, and complexity would result from the additional litigation, including trial and, likely, lengthy appeals.. Furthermore, the Class Members would likely not have achieved any result for several years, while also running the risk of obtaining a less favorable result than the Settlement achieved here or obtaining no result whatsoever. Given the quality and quantity of work expended by Class Counsel, the risk of substantially more time and money having to be expended had the litigation not settled, and the results achieved as a direct result of those efforts, the requested fee award is justified.

#### **4. “The professional experience and reputation of the attorney[s]”**

Class Counsel have regularly engaged in major complex litigation and have extensive experience in consumer class action lawsuits, as well as other similar complex class and multidistrict litigations (“MDLs”). In fact, Class Counsel and other members of their firm have been appointed as class counsel in dozens of complex class actions and multidistrict litigations (MDLs). (Mann Decl. ¶¶ 5-8.) Specifically, PDHBM lawyers have been appointed to leadership positions in the following class actions and MDLs over the past ten years: MDL 2406, *In re Blue Cross Blue Shield Antitrust Litigation* (Local Facilitating Counsel and Plaintiffs’ Steering Committee for Subscriber Plaintiffs); MDL 2441, *In re Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation* (Plaintiffs’ Steering Committee); MDL 2595, *In re Community Health Systems, Inc., Customer Data Security Breach Litigation* (Local Liaison Counsel); MDL 2734, *In re Abilify (Aripiprazole) Products Liability Litigation* (Plaintiffs’ Steering Committee); *In re: Arby’s Restaurant Group, Inc. Data Security Litigation* (Financial Institution Plaintiffs’ Steering Committee); MDL 2846, *In re Davol, Inc./C.R. Bard, Inc. Polypropylene Hernia Mesh Products Liability Litigation* (Plaintiffs’ Steering Committee); MDL 2875, *In re Valsartan Products Liability Litigation* (Plaintiffs’ Steering Committee); MDL 2885, *In re 3M Combat Arms Earplug Products Liability Litigation*

(Common Benefit Fund Committee), MDL 2974, *In re Paragard IUD Products Liability Litigation* (Plaintiffs' Steering Committee), *Williams v. Gulf Coast Pain Consultants, LLC d/b/a Clearway Pain Solutions Institute*, 3:19-cv-01659 (N.D. Fla.) (Settlement Class Counsel), *Pirani v. Medical Properties Trust, Inc.*, 2:23-cv-00486 (N.D. Ala.) (Liaison Counsel), and MDL 2885, *In re 3M Combat Arms Earplug Products Liability Litigation* (Settlement Implementation and Administration Committee).

PDHBM lawyers have been involved in other class actions in the past several years which have resolved favorably to their clients, including *Winsouth Credit Union v. MAPCO Express, Inc. and Delek US Holdings, Inc.*, 3:14-cv-1753 (M.D. Tn.), *Bach Enterprises, Inc. v. Advanced Disposal Services South, Inc.*, Circuit Court, Barbour County, Alabama, Case No. 69-cv-2013-9000090. PDHBM lawyers are currently putative class counsel in several pending actions involving antitrust, consumer protection, privacy, and securities claims, a number of which are also in the settlement administration and approval process.

Accordingly, the requested fee award is reasonable in light of the quality of representation and the type of complex consumer class action at issue here, where such a fee is necessary to continue to attract competent and dedicated counsel given the time, costs, and significant risk of nonpayment involved.

##### **5. “The weight of [the attorneys’] responsibilities”**

From the inception of this matter, Class Counsel alone shouldered the immense weight of the multitude of responsibilities that come with litigating a nationwide consumer class action against a large, well-funded defendant. As the Court knows, it has become rare for class action suits of this kind and magnitude to be litigated by a single law firm. More commonly, several law firms team up and spread the responsibilities and expenses out amongst themselves, or multiple suits are filed by different firms and leadership committees are appointed to divvy up the workload.

Here, Class Counsel alone handled every aspect of the matter: investigation, legal research, drafting pleadings, hiring experts, moving for class certification, conducting extensive written discovery, pushing discovery disputes, taking and defending depositions, hearings, defending experts, defending against summary judgment, negotiating a meaningful settlement, seeking approval of the Settlement, and now overseeing the administration of the Settlement. (Mann Decl. ¶¶ 10-18.)

#### **6. “The measure of success achieved”**

As explained in detail in Plaintiffs’ motion for preliminary approval of the Settlement, the Settlement obtained by Class Counsel for the Class Members includes both valuable injunctive relief to protect them and the general public from future harm, and a settlement fund of \$9,750,000.00 for Class Members to make claims against, which Class Counsel believes will be adequate to reimburse each Class Member for the full amount of his or her claim. Despite the difficulties in prosecuting consumer class action cases, especially ones such as this in which both legal liability and damages are difficult to prove, a result such as this is outstanding and weighs in favor of the requested fee.

#### **7. “The reasonable expenses incurred by the attorney[s]”**

Class Counsel invested \$161,000.36 out of its law firm’s own pocket to prosecute this case. As discussed in more detail in the following section of this brief, those expenses were reasonable and necessary to fully investigate and prepare the case for a motion for class certification, summary judgment motions, and trial. Many law firms would not even be capable of shouldering a financial burden of this amount for the five years that this matter has been pending, and, even if they were able, many would not be willing to do so. As such, Class Counsel’s willingness to invest such a

substantial amount of money in the case with no guarantee of reimbursement supports the requested fee award. (Mann Decl. ¶¶ 24-26.)

**8. “Whether the fee is fixed or contingent”**

Class Counsel took Plaintiffs’ cases on an entirely contingency-fee basis and invested significant amounts of the law firm’s time and money into prosecuting the matter with no guarantee of recovery. *Id.* Class Counsel had to commit an unknown, but substantial, number of hours and expenses to a case, the outcome of which was deeply uncertain, but which was certain to take years to complete. The chances of prevailing on the claims, on a class-wide basis, were unknown at the outset. Thus, for purposes of assessing a fair attorneys’ fee percentage, this case should be viewed as highly “risky,” weighing on the side of approving a higher-than otherwise percentage. Along those lines, the fact that Class Counsel secured a favorable settlement in the end is not relevant to assessing the risks attendant to the case which Class Counsel assumed at the case’s inception. See *Skelton v. General Motors Corp.*, 860 F.2d 250, 258 (7th Cir. 1988) (“The point at which plaintiffs settle with defendants . . . is simply not relevant to determining the risks incurred by their counsel in agreeing to represent them”); *Lindsey Bros. Builders, Inc. v. American Radiator & Standard Sanitary Corp.*, 540 F.2d 102, 112 (3rd Cir. 1976). The fact that Class Counsel took such a substantial risk favors approval of the requested fees.

**9. “The nature and length of a professional relationship”**

Class Counsel have represented each of the Plaintiffs for nearly five years now on a purely contingency-fee basis with no guarantee of success. (Mann Decl. ¶ 14.) This factor supports the requested fee amount here, as this case is a class action brought on a contingency basis with single action representation, and there is no “repeat business” from the Plaintiffs to be gained from such representation.

**10. “The fee customarily charged in the locality for similar legal services”**

As set forth above, attorneys’ fees awarded in common fund cases in Alabama have ranged from 20% to 50%, and 33 ⅓% has been considered fair and reasonable by the Alabama Supreme Court. See *Edelman*, 663 So.2d at 960 (“Several factors, including the number of lawyers who were actively engaged for over four years in the handling of the claims, the complexity of the litigation, as well as the management responsibilities inherent in a class action, and the result obtained, would justify an award of an amount between 20% and 33 ⅓% of the amount of the settlement.”); see also *City of Bessemer v. McClain*, 957 So. 2d 1061, 1078 (Ala. 2006) (upholding a fee award of one-third of the common fund); *City of Ozark*, 604 So. 2d at 364–65 (Ala. 1992) (finding reasonable a fee award of one-third of the class action common fund). In the Eleventh Circuit, percentage-based fee awards have averaged around 33% of the class benefit. See, e.g., *Wolff v. Cash 4 Titles*, 2012 WL 5290155, at \*5-6 (S.D. Fla. Sept. 26, 2012) (noting that fees in this Circuit are “roughly one-third”); T. Eisenberg, et al., *Attorneys’ Fees in Class Actions: 2009-2013*, 92 N.Y.U. Law Rev. 937, 951 (2017) (median fee from 2009-2013 was 33%). The requested fee award here is well-within the range of attorneys’ fee awards routinely found reasonable in similar cases by courts in this state and by federal courts in the Eleventh Circuit.

**11. “The likelihood that [this] employment [precluded] other employment”**

“This guideline involves the dual consideration of other available business which is foreclosed because of conflicts of interest which occur from the representation, and the fact that once the employment is undertaken the attorney is not free to use the time spent on the client’s behalf for other purposes.” *Johnson v. Georgia Highway Exp., Inc.*, 488 F.2d 714, 718 (5th Cir. 1974). There is no question that the thousands of hours Class Counsel and their staff spent prosecuting this case precluded them from securing and profiting from other employment over the

last five years. Additionally, Class Counsel spent \$161,000.36 prosecuting this case that could have instead been used for marketing for other employment opportunities or otherwise investing into their law firm.

## **12. “The time limitations imposed by the client or by the circumstances”**

While Counsel does not feel this factor to have much relevance to this case, there were practical time limitations that favored settlement, as opposed to conducting a trial on the matter. Plaintiffs contend that the injunctive relief agreed to in the Settlement requiring the Defendant to bolster its account creation and debt collections policies and procedures is necessary to quickly put an end to Defendant’s alleged practice of misusing the credit report information of Class Members and the public at large and to protect against further unauthorized accounts being created.

In addition to the *Peebles* factors, there are other considerations that support the requested fee award. Namely, that the Settlement is being efficiently and effectively administered. The Settlement Administrator mailed direct notice to 16,621 people and initiated a dynamic and nationwide publication notice campaign, and recently informed Class Counsel that the Administrator fielded more than 300 calls regarding the settlement and that many claims have already been filed. Class Counsel expects additional responses to be submitted prior to the Claims Deadline as well, and, to date, there have been no objections filed as to any of the terms of the Settlement, including the terms regarding the fees, expenses, and service awards being requested here. (Mann Decl. ¶ 18).

Each of the factors discussed herein support Class Counsels’ requested fee award.

### **C. The Court Should Approve Class Counsel’s Requested Reimbursable Litigation Expenses.**

Class Counsel expended \$161,000.36 in reimbursable costs and expenses related to filing fees, depositions, numerous expert investigative and consulting services, travel expenditures, legal

research fees, mediation fees, copying, postage and delivery charges, professional fees, and case administration, with the potential of more expenses yet to come. (Mann Decl. ¶¶ 24-26.) Courts regularly award reimbursement of the expenses counsel incurred in prosecuting the litigation. See *Edelman*, 663 So.2d at 961 (“[O]ur reversal of that portion in no way affects that portion of the judgment that requires [the defendant] to reimburse the plaintiffs’ counsel for all reasonable expenses incurred in the management of the class action[.]”); *Waters v. Int’l Precious Metals Corp.*, 190 F.3d 1291, 1298 (11th Cir. 1999) (“plaintiffs’ attorney are entitled to reimbursement of those reasonable and necessary out-of-pocket expenses incurred in the course of activities that benefitted the class”) (citing *In re “Agent Orange” Prod. Liab. Litig.*, 611 F.Supp. 1296, 1314 (E.D.N.Y. 1985)); *Waters v. Cook’s Pest Control, Inc.*, No. 2:07-CV-00394-LSC, 2012 WL 2923542 (N.D. Ala. 2012) (approving plaintiffs’ class counsel’s fee request for 35% of the \$2,500,000 settlement fund, as well as reimbursement of their costs in the amount of \$53,831.55). Therefore, Class Counsel request the Court approve as reasonable the incurred expenses, a request which Defendant does not oppose.

**D. The Agreed-Upon Service Award Amount For Plaintiffs Is Reasonable And Should Be Approved.**

The requested \$15,000.00 Service Award for each of the two Class Representatives is reasonable and modest compared to other incentive awards granted to class representatives in similar class actions. “Courts routinely approve incentive awards to compensate named plaintiffs for the services they provided and the risks they incurred during the course of the class action litigation.” *Ingram v. Coca-Cola Co.*, 200 F.R.D. 685, 694 (N.D. Ga. 2001); *Youngman*, No. 16-cv-01478, Dkt. No. 70 (finding that incentive awards of \$10,000 for *each* plaintiff was “reasonable”); *Parsons v. Brighthouse Networks, LLC*, No. 09-cv-267, 2015 WL 13629647, at \*16 (N.D. Ala. Feb. 5, 2015) (approving \$5,000 incentive award for class representative); *Martin v.*

*Dun & Bradstreet, Inc.*, No. 12-cv-215, 2014 WL 9913504, at \*3 (N.D. Ill. Jan. 16, 2014) (awarding incentive award of \$20,000 in TCPA class action); *Allapattah Servs., Inc. v. Exxon Corp.*, 454 F. Supp. 2d 1185, 1218–19 (S.D. Fla. 2006) (noting that “incentive awards are not uncommon in class action litigation where, as here, a common fund has been created for the benefit of the class”).

Here, Plaintiffs’ efforts and participation in prosecuting this case justify the Service Award sought for each Plaintiff. Even though no award of any sort or special treatment was promised to Plaintiffs prior to the commencement of the litigation or at any time thereafter, Plaintiffs nonetheless contributed significant time and effort in pursuing their own claims, as well as in serving as the representatives on behalf of the Settlement Class Members—exhibiting a willingness to participate and undertake the responsibilities and risks attendant with bringing a representative action. (Mann Decl. ¶¶ 11, 27-29.)

Plaintiffs participated in the initial investigation of their claims and provided their sensitive personal information and records—such as full credit reports and other financial documents—to Class Counsel to aid in preparing the initial pleadings and issuing discovery, reviewed the pleadings prior to filing, consulted with Class Counsel on numerous occasions, traveled to Montgomery, Alabama, to have their depositions taken (which included vigorous cross examination),<sup>3</sup> stayed abreast of the litigation for nearly five years, and provided feedback and input on the settlement negotiations and a number of other filings including, most importantly, the Settlement Agreement. *Id.*

---

<sup>3</sup> Plaintiff Renfroe flew in from New York, New York, where he lives, to sit for his deposition. Plaintiff Sullen traveled from his home in Auburn, Alabama. Both Plaintiffs had to take time off work and incur travel expenses to attend the depositions.



Further, agreeing to serve as the Class Representatives meant that Plaintiffs publicly placed their names on this suit and opened themselves to significant risks which, in and of itself, is certainly worthy of some type of remuneration. *Columbus Drywall & Insulation, Inc. v. Masco Corp.*, No. 04-cv-3066, 2008 WL 11319972, at \*2 (N.D. Ga. Mar. 4, 2008) (citing *Ingram*, 200 F.R.D. at 685). Were it not for Plaintiffs' willingness to bring this action on a class-wide basis, their efforts and contributions to the litigation by assisting Class Counsel with their investigation and filing of this suit, and their continued participation and monitoring of the case through settlement, the substantial benefit to the Settlement Class Members afforded under the Settlement Agreement would not exist.

The Service Award requested for each Plaintiff amounts to roughly 00.15% of the total Settlement Fund, which is well in line with the average service award granted in class actions. *See, e.g., Craftwood Lumber Co. v. Interline Brands, Inc.*, No. 11-cv-4462, U.S. Dist. LEXIS 35421, at \*19 (N.D. Ill. Mar. 23, 2015) (“a study on incentive awards for class action plaintiffs (also conducted by Eisenberg and Miller) . . . found that the mean incentive fee granted in class actions overall is .161% [of the total recovery]”) (citing *Eisenberg & Miller, Incentive Award to Class Action Plaintiffs: An Empirical Study*, 53 U.C.L.A. L. Rev. 1303, 1339 (2006)). Indeed, numerous courts that have granted final approval in similar settlements have awarded significantly larger incentive awards than the one sought here. *See, e.g., Markos v. Wells Fargo Bank, N.A.*, No. 15-cv-01156, 2017 WL 416425, at \*3 (N.D. Ga. Jan. 30, 2017) (approving service awards of \$20,000 to each class representative in a class action).

Compensating Plaintiffs for the risks and steadfast efforts they undertook to benefit the Settlement Class Members is reasonable under the circumstances of this case, especially in light of the exceptional results obtained. As shown above, courts have regularly approved service

awards in similar class action litigation consistent with and greater than the Service Award sought here. Moreover, no opposition or objection to the Service Award has been raised to date. A Service Award of \$15,000.00 to each Plaintiff is reasonable, justified, and should be approved.

**V. CONCLUSION**

For the foregoing reasons, Plaintiffs and Class Counsel respectfully request that the Court enter an Order: (i) approving an award of attorneys' fees of \$3,250,000.00; (ii) reimbursement of \$161,000.36 for costs and expenses; and (iii) a Service Award in the amount of \$15,000.00 to each Plaintiff in recognition of their significant efforts on behalf of the Settlement Class Members.<sup>4</sup>

Dated: April 1, 2024

Respectfully submitted,

*/s/ Jon Mann*

Jonathan S. Mann (MAN057)

Austin B. Whitten (WHI165)

Tom Dutton (DUT001)

Michael C. Bradley (BRA094)

**PITTMAN, DUTTON, HELLUMS,  
BRADLEY & MANN, P.C.**

2001 Park Place North, Suite 1100

Birmingham, AL 35203

Tel: (205) 322-8880

Email: [jonm@pittmandutton.com](mailto:jonm@pittmandutton.com)

Email: [austinw@pittmandutton.com](mailto:austinw@pittmandutton.com)

Email: [tomd@pittmandutton.com](mailto:tomd@pittmandutton.com)

Email: [mikeb@pittmandutton.com](mailto:mikeb@pittmandutton.com)

*Counsel for Plaintiffs and the Settlement  
Classes*

---

<sup>4</sup> Class Counsel intend to include the relief requested herein in a proposed order in support of final approval of the Settlement.

**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2024, I filed the foregoing with the Clerk of the Court using the Court's AlaFile system, which will send notice to all counsel of record.

*/s/ Jon Mann* \_\_\_\_\_  
Of Counsel

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
 BIRMINGHAM DIVISION**

**DANIEL SULLEN and JOSHUA RENFROE, )  
 on behalf of themselves and other persons )  
 similarly situated, )  
 )  
 Plaintiffs, )  
 v. ) **Case No.: 01-CV-2023-903893**  
 )  
 VIVINT, INC., )  
 )  
 Defendant. )**

**DECLARATION OF JONATHAN S. MANN IN SUPPORT OF PLAINTIFFS’  
 UNOPPOSED MOTION FOR ATTORNEYS’ FEES AND COSTS**

I, Jonathan S. Mann, being competent to testify, make the following declaration based on my personal knowledge and, where stated, upon information and belief. I declare:

**Counsel Qualifications**

1. I am one of the lead attorneys for the Plaintiffs in this action and have personal knowledge of the facts and matters stated herein.
2. I am a shareholder with the law firm of Pittman, Dutton, Hellums, Bradley & Mann, P.C. (“PDHBM”). My practice involves complex civil litigation, including class actions, mass torts, personal injury, and products liability matters. I have litigated complex actions since 2011, with an emphasis on consumer claims and defective products.
3. I am admitted to practice before courts of the State of Alabama. I have also been admitted to practice before the United States Court of Appeals for the Eleventh Circuit, the United States District Court for the Northern District of Alabama, the United States District Court for the Middle District of Alabama, the United States District Court for the Southern District of Alabama, the United States District Court for the Northern District of Florida, the United States District Court for the Northern District of Georgia, the United States District Court for the Northern District

of Indiana, the United States District Court for the Southern District of Indiana, the United States District Court for the Eastern District of Louisiana, the United States District Court for the District of Maryland, the United States District Court for District of Massachusetts, the United States District Court for the District of Minnesota, the United States District Court for the District of New Jersey, the United States District Court for the Eastern District of New York, the United States District Court for the Western District of Pennsylvania, and the Los Angeles County Superior Court.

4. PDHBM has represented individuals, consumers, and small businesses in complex civil litigation, including class actions, in federal and state courts across the country, for over 35 years. While the firm is in Birmingham, Alabama, PDHBM attorneys routinely litigate cases nationwide and are frequently appointed to serve in leadership positions.

5. I and other PDHBM lawyers (including those in the instant case) have been appointed to leadership positions in the following complex class actions and multidistrict litigations (MDLs) over the past ten years, including MDL 2406, *In re Blue Cross Blue Shield Antitrust Litigation* (Local Facilitating Counsel and Plaintiffs' Steering Committee for Subscriber Plaintiffs); MDL 2441, *In re Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation* (Plaintiffs' Steering Committee); MDL 2595, *In re Community Health Systems, Inc., Customer Data Security Breach Litigation* (Local Liaison Counsel); MDL 2734, *In re Abilify (Aripiprazole) Products Liability Litigation* (Plaintiffs' Steering Committee); *In re: Arby's Restaurant Group, Inc. Data Security Litigation* (Financial Institution Plaintiffs' Steering Committee); MDL 2846, *In re Davol, Inc./C.R. Bard, Inc. Polypropylene Hernia Mesh Products Liability Litigation* (Plaintiffs' Steering Committee); MDL 2875, *In re Valsartan Products Liability Litigation* (Plaintiffs' Steering Committee); MDL 2885, *In re 3M Combat Arms Earplug*

*Products Liability Litigation* (Common Benefit Fund Committee), MDL 2974, *In re Paragard IUD Products Liability Litigation* (Plaintiffs' Steering Committee), *Williams v. Gulf Coast Pain Consultants, LLC d/b/a Clearway Pain Solutions Institute*, 3:19-cv-01659 (N.D. Fla.) (Settlement Class Counsel), *Pirani v. Medical Properties Trust, Inc.*, 2:23-cv-00486 (N.D. Ala.) (Liaison Counsel), and MDL 2885, *In re 3M Combat Arms Earplug Products Liability Litigation* (Settlement Implementation and Administration Committee).

6. I and other PDHBM attorneys have also recently been appointed as Co-Lead Counsel/Settlement Class Counsel in consumer class action cases involving health care data breaches, such as *Limbaugh, et al. v. Norwood Clinic, Inc.*, Circuit Court, Jefferson County, Alabama, Case No. 01-cv-2022-900851, *Kemp, et al. v. NorthStar Emergency Medical Services, Inc.*, Circuit Court, Tuscaloosa County, Alabama, Case No. 63-cv-2023-900249, and *Williams v. Gulf Coast Pain Consultants, LLC d/b/a Clearway Pain Solutions Institute*, 3:19-cv-01659 (N.D. Fla.).

7. PDHBM lawyers have been counsel in other class actions over the past several years which have resolved favorably to their clients, including *Winsouth Credit Union v. MAPCO Express, Inc. and Delek US Holdings, Inc.*, 3:14-cv-1753 (M.D. Tn.), *Bach Enterprises, Inc. v. Advanced Disposal Services South, Inc.*, Circuit Court, Barbour County, Alabama, Case No. 69-cv-2013-9000090, *In re Arby's Restaurant Group, Inc. Data Security Litigation*, 1:17-cv-514 (N.D. Ga.), and *In re Blue Cross Blue Shield Antitrust Litigation*, MDL 2406, 2:13-cv-20000-RDP (N.D. Ala.).

8. I and other PDHBM attorneys are currently putative class counsel in several pending class actions involving antitrust, consumer protection, data privacy, and securities fraud claims. A more exhaustive firm resume is attached as Exhibit 1 to this Declaration.

### **Initial Investigation and Communications**

9. This is a putative class action brought by Plaintiffs Daniel Sullen and Joshua Renfroe (“Plaintiffs” or “Class Representatives”), individually and on behalf of all others similarly situated (the “Settlement Classes”), arising out of fraudulent (or “unauthorized”) accounts for smart home security services that were created by employees and/or agents of Defendant Vivint, Inc. (“Vivint”). The Plaintiffs and members of the Settlement Classes each had their credit report information accessed by Vivint without their consent and at least one unauthorized Vivint account opened in his or her name. In some instances, the unauthorized accounts became delinquent, and Vivint initiated debt collections against the Plaintiffs and members of the Damages Settlement Class for the unpaid balance of the fraudulent account(s).

10. My law firm was first contacted about this matter in February of 2019, after which our team immediately started our investigation into the facts and potential legal claims and theories that could be asserted against Vivint. Our investigation included spending over one-hundred (100) hours reviewing the information and materials provided by potential plaintiffs, performing legal research and extensive factual research of publicly available sources of information gathering other reported instances of alleged misconduct by Vivint and its policies, procedures, and practices related to account creation, installation, and debt collection. Specifically, our research included an investigation into other reported instances of Vivint’s misuse of consumer credit report information by creating fraudulent home security accounts without someone’s permission, reports of alleged forgery of Vivint contracts, and allegations of aggressive and suspicious debt collection practices on Vivint accounts that became delinquent.

11. Plaintiffs cooperated with my law firm in providing all the information and documentation we requested from them during our investigations and throughout the case.

12. My team and I swiftly gathered all the information regarding the alleged misconduct and extensively researched the potential legal claims and theories that were available.

13. Our initial conclusion from our investigation into the alleged misconduct revealed that the allegations asserted by the potential plaintiffs appeared to be part of a systemic problem and that there were many other victims across the country that shared the Plaintiffs' experiences of having fraudulent Vivint accounts opened in their names and suffering from aggressive debt collection efforts on those accounts.

14. After Plaintiffs were counseled on their duties and responsibilities to serve as class representatives, Plaintiffs agreed to serve as class representatives and retained my law firm on a purely contingency fee basis, with my law firm advancing all litigation costs and expenses.

#### **Procedural Posture**

15. On April 9, 2019, I (along with other members of my team) filed a Class Action Complaint (the "Complaint") against Vivint for violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et seq.* as well as Alabama state law in federal court in Alabama. Vivint thereafter hired competent and experienced defense counsel. Vivint answered Plaintiffs' Second Amended Complaint, raising several defenses, including that Plaintiffs were seeking to represent a "fail safe," subjective, and indeterminate class that could not be certified and that Plaintiffs had not suffered any actual injury and/or lacked standing under Article III. My law firm professionally and fiercely litigated the merits of the case for more than two (2) years, including handling all aspects of the following:

- Plaintiffs' filing of two amended complaints and Vivint's answers;
- Extensive written discovery exchanged by the Parties, including four (4) sets of interrogatories and requests for production of documents served on Vivint, as well as two (2) sets of requests for admissions, and five (5) non-party subpoenas;



- Vivint’s productions of over seven thousand pages of documents and voluminous amounts of other electronically stored information, including massive Excel-spreadsheet datasets;
- Plaintiffs’ productions of documents and other electronically stored information;
- Multiple lengthy letters and dozens of meet and confers regarding discovery disputes, discovery plans, and specific and general case management issues;
- Plaintiffs’ depositions of five (5) of Vivint’s executives, as well as three (3) separate depositions of Vivint’s 30(b)(6) corporate representative;
- Vivint’s depositions of each of the Plaintiffs;
- Full briefing and a hearing on Plaintiffs’ motion to compel additional discovery from Vivint;
- Full briefing on Plaintiffs’ motion for class certification;
- Full briefing on Vivint’s motion to strike Plaintiffs’ class certification expert;
- Plaintiffs retained and disclosed three (3) additional experts to support their claims, including a certified fraud examiner, a cyber security standards expert, and a credit damages expert;
- Vivint’s depositions of all four (4) of Plaintiffs’ experts, including one expert being deposed twice;
- Full briefing on Vivint’s three (3) additional motions to strike Plaintiffs’ additional experts and their reports;
- Full briefing on Plaintiffs’ motion for leave to supplement Plaintiffs’ reply brief in further support of class certification; and,
- Full briefing on Vivint’s motion for summary judgment on all claims. This motion alone included more than 163 pages of briefing and thousands of pages of exhibits.<sup>1</sup>

16. The Parties then agreed to engage in settlement negotiations to determine if a class-wide settlement could be reached. To that end, my law firm and counsel for Vivint expended significant efforts in exchanging additional documents and information regarding Vivint’s

---

<sup>1</sup> For the Court’s reference, a copy of the PACER Docket Report is attached as Exhibit 2 to this Declaration, which shows each filing submitted during litigation of the federal matter up to October 27, 2023.

practices relevant to the members of the proposed Settlement Classes. We hired past Alabama State Bar President and experienced litigator and mediator Lee Copeland, Esq. of Copeland, Franco, Screws & Gill, P.A. to mediate their negotiations, which unfolded over the course of numerous sessions (in person, virtually, and countless phone calls). After conducting extensive negotiations, the Parties were finally able to reach an agreement in principle to resolve the case. Eventually, these discussions culminated in the Settlement Agreement, that this Court previously preliminarily approved on January 16, 2024. The Settlement Agreement resulted from hard fought and adversarial negotiations over a long period of time with the assistance, input, and oversight of Mr. Copeland.

17. The Court has preliminarily approved the terms of the settlement as being fair and adequate, the notice plan has now been partially completed by the Settlement Administrator, AB. Data, and class members are now in the process of filing claims. Specifically, Direct Notice was mailed to 16,621 potential Damages Class Member by postcard via United States Postal Service, and the Publication Notice campaign was initiated on February 13, 2024. The Court's order also appointed my law firm as Settlement Class Counsel ("Class Counsel").

18. The Settlement Administrator recently informed Class Counsel that thousands of individuals have already responded to the settlement as of the date of this filing. The Administrator has fielded more than 300 calls regarding the settlement, and my law firm has fielded dozens of calls and emails as well. I expect additional responses will be submitted prior to the Claims Deadline, and, to date, there have been no objections filed as to any of the terms of the settlement, including the requests for fees, expenses, and service awards.

**Fees, Costs, and Service Awards**

19. The Settlement allows Counsel to make an application to the Court for an award of reasonable attorneys' fees, costs, and expenses to be paid by Vivint out of the Settlement Fund.

20. The Parties did not discuss payment of attorneys' fees, costs, expenses, and service awards until after the substantive terms of the settlement had been agreed upon. All negotiations were conducted at arm's length and mediated by a neutral party, Mr. Copeland.

21. We, as Counsel, now apply for a reasonable attorneys' fee award of \$3,250,000.00 for our extensive work in achieving this substantial settlement for the Class Members.

22. My law firm, including myself and other lawyers, spent thousands of hours prosecuting this matter for the benefit of Plaintiffs and the Class Members. Specifically, we investigated and litigated this case rigorously and thoroughly, which included pre-suit investigations, extensive legal researching, drafting pleadings, hiring four different experts to provide reports and testimony to support both liability and damages, moving for class certification, conducting extensive written discovery, reviewing thousands of pages of documents, compelling additional discovery, taking and defending more than a dozen depositions, attending and arguing at hearings, defending motions to exclude each expert, defending against summary judgment, successfully negotiating the class-wide Settlement with meaningful relief, seeking approval of the Settlement, and now overseeing the administration of the settlement. We made hundreds of phone calls and sent thousands of emails and letters over the last five (5) years and will be required to continue doing so until the Settlement is fully effectuated pursuant to the terms of the Settlement Agreement.

23. Further, numerous of my law firm's staff members have committed extensive amounts of time and resources to investigate and prosecute this case over the last five (5) years

and will be required to continue doing so until the Settlement is fully effectuated pursuant to the terms of the Settlement Agreement.

24. We are also now applying for reimbursement of our reasonable and necessary costs and expenses of the Litigation totaling \$161,000.36, which is the total amount of money that my law firm advanced to prosecute this case with no guarantee of recoupment. The following is a general breakdown of the expenses for which we are requesting reimbursement:

<b>CATEGORIES</b>	<b>AMOUNT</b>
Court Costs	\$993.84
Depositions	\$14,112.28
Expert Services	\$137,627.12
Legal Research	\$4,048.64
Postage/Delivery Charges	\$369.25
Travel/Parking	\$2,193.87
Print/Copy	\$1,655.36
<b>TOTAL</b>	<b>\$161,000.36</b>

25. Detailed documentation supporting these costs and expense amounts are available for inspection at the Court's request.

26. All the costs and expenses for which we are seeking reimbursement were reasonable and necessary to fully prosecute this matter and incurred for the benefit of the Class Members.

27. Vivint also agreed to pay each Class Representative a Service Award in the amount of \$15,000.00 for their services rendered on behalf of the Settlement Classes, subject to Court approval. I believe this is a reasonable amount to award based on the time, energy, and efforts of the Class Representatives and is in line with awards granted in similar cases.

28. The Service Awards requested are meant to recognize the Class Representatives for their efforts on behalf of the Settlement Class. Plaintiffs participated in the initial investigation of their claims and provided their sensitive personal information and records—such as full credit

reports and other financial documents—to my law firm to aid in preparing the initial pleadings and issuing discovery, reviewed the pleadings prior to filing, consulted with Class Counsel on numerous occasions, traveled to Montgomery, Alabama, to have their depositions taken, stayed abreast of the litigation for nearly five years, and provided feedback on the settlement negotiations and a number of other filings including, most importantly, the Settlement Agreement.

29. Plaintiffs' support for the Settlement as fair, reasonable, and adequate is not conditioned upon the Court's award of the requested Service Award. The Parties did not discuss or agree upon the amount of Service Awards for which Plaintiffs as Class Representatives could apply until after the substantive terms of the Settlement had been agreed upon.

30. In my opinion, I believe the attorneys' fees, costs and expense reimbursement, and Service Awards Counsel are requesting are reasonable, appropriate, and warranted based on the significant benefits that have been recovered by Counsel and Plaintiffs for the benefit of the Settlement Class Members.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 1<sup>st</sup> day of April 2024 in Birmingham, Alabama.




---

Jonathan S. Mann  
**PITTMAN, DUTTON, HELLUMS,  
 BRADLEY & MANN, P.C.**  
 2001 Park Place North, Suite 1100  
 Birmingham, AL 35203  
[jonm@pittmandutton.com](mailto:jonm@pittmandutton.com)

*Attorney for the Plaintiffs and the Settlement  
 Classes*

Exhibit 1  
PDHBM Firm Resume



**PITTMAN DUTTON  
HELLUMS BRADLEY  
— & MANN, P.C. —**

ATTORNEYS AT LAW

## FIRM RÉSUMÉ

Pittman, Dutton, Hellums, Bradley & Mann P.C. (“PDHBM”) attorneys have been representing individuals, consumers, and small businesses in complex civil litigation for over 35 years. PDHBM has resolved thousands of cases, hundreds of which resulted in verdicts and settlements exceeding \$1 million. Additionally, PDHBM has been in leadership in cases involving class actions and mass tort litigations in which recoveries have exceeded over three-billion dollars for consumers and small businesses. PDHBM has handled cases in every Alabama circuit court and in all Alabama federal courts. PDHBM is located in Birmingham, Alabama, but routinely represents clients in mass tort litigation and class actions throughout the country.

PDHBM and its lawyers have consistently been recognized by numerous national organizations, publications and their peers as among the most successful and experienced courtroom lawyers in the country. These include U.S. News Best Law Firms in America, The Best Lawyers in America, Top Ranked Law Firms by Martindale-Hubbell, American College of Trial Lawyers, American Board of Trial Advocates, Martindale-Hubbell’s AV Preeminent Peer Review Rated, Million Dollar Advocates Forum, and SuperLawyers.

## REPRESENTATIVE MULTI DISTRICT AND CLASS ACTION LITIGATION LEADERSHIP EXPERIENCE

### Class Actions

*In re Blue Cross Blue Shield Antitrust Litigation* (Local Facilitating Counsel for Subscriber Plaintiffs)

*Kathy L. Limbaugh, et al. v. Norwood Clinic, Inc.*, Circuit Court, Jefferson County, Alabama, Case No. 01-cv-2022-900851.00 (Class Counsel representing victims of a data breach)

*Fiyyaz Pirani, Trustee of Imperium Irrevocable Trust v. Medical Properties Trust, Inc.*, 2:23-cv-00486 (N.D. Ala.) (Liaison Counsel for shareholders in a securities fraud class action)

*Williams v. Gulf Coast Pain Consultants*, 3:19-cv-01659 (N.D. Fla.) (Class Counsel representing victims of a data breach)

*In re Arby’s Restaurant Group, Inc. Data Security Litigation*, 1:17-cv-514 (N.D. Ga.) (Plaintiffs’ Steering Committee)

*In re Community Health Systems, Inc., Customer Data Security Breach Litigation* (Local Liaison Counsel)

*Bach Enterprises, Inc. v. Advanced Disposal Services South, Inc.*, Circuit Court, Barbour County, Alabama, Case No. 69-cv-2013-9000090 (Class Counsel)



**PITTMAN DUTTON  
HELLUMS BRADLEY  
— & MANN, P.C. —**

ATTORNEYS AT LAW

*WinSouth Credit Union, individually and on behalf of all similarly situated v. MAPCO Express, Inc. and Delek US Holdings, Inc.* (Class Counsel representing financial institution victims of a data breach)

*Mandi Phillips, individually and on behalf of all similarly situated v. MAPCO Express, Inc. and Delek US Holdings, Inc.* (Class Counsel representing individual victims of a data breach)

### **Medical Device Multidistrict Litigation**

*In re Paragard IUD Products Liability Litigation* (Plaintiffs' Steering Committee)

*In re Davol, Inc./C.R. Bard, Inc. Polypropylene Hernia Mesh Products Liability Litigation* (Plaintiffs' Steering Committee)

*In re Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation* (Plaintiffs' Steering Committee)

### **Pharmaceutical Multidistrict Litigation**

*In re Valsartan Products Liability Litigation* (Plaintiffs' Steering Committee)

*In re Abilify (Aripirazole) Products Liability Litigation* (Plaintiffs' Steering Committee)

### **Other Product Liability Multidistrict Litigation**

*In re 3M Combat Arms Earplug Products Liability Litigation* (Common Benefit Fund Committee)

*In re 3M Combat Arms Earplug Products Liability Litigation* (Settlement Implementation and Administration Committee)

### **PDHBM also represents or represented clients in the following complex litigations:**

- *In re Total Body Formula Products Liability Litigation* (Co-Lead Counsel; member of Plaintiffs' Executive Committee and Plaintiffs' Steering Committee)
- *Physician Mutual Class Action*
- *In re NCAA Student-Athlete Name & Likeness Licensing Litigation*
- *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*
- *In re Vioxx Products Liability Litigation*
- *In re Prempro Product Liability Litigation*
- *In re Hydroxycut Marketing and Sales Practices Litigation*
- *In re DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*
- *In re DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation*





PITTMAN DUTTON  
HELLUMS BRADLEY  
— & MANN, P.C. —

- *In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010*
- *In re Chinese-Manufactured Drywall Products Liability Litigation*
- *In re Actos (Pioglitazone) Products Liability Litigation*
- *In re Xarelto (Rivaroxaban) Products Liability Litigation*
- *In re Pradaxa (Dabigatran Etexilate) Products Liability Litigation*
- *In re C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation*
- *In re Cook Medical, Inc., Pelvic Repair System Products Liability Litigation*
- *In re Coloplast Corp. Pelvic Support Systems Products Liability Litigation*
- *In re Biomet M2a Magnum Hip Implant Products Liability Litigation*
- *In re Stryker LFIT V40 Femoral Head Products Liability Litigation*
- *In re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation*
- *In re Taxotere (Docetaxel) Products Liability Litigation*
- *In re Atrium Medical Corp. C-Qur Mesh Products Liability Litigation*
- *In re Ethicon Physiomesh Flexible Composite Hernia Mesh Products Liability Litigation*
- *In re Davol, Inc./C.R. Bard, Inc. Polypropylene Hernia Mesh Products Liability Litigation*
- *In re Diisocyanates Antitrust Litigation*
- *In re Local TV Advertising Antitrust Litigation*
- *In re Exactech Polyethylene Orthopedic Products Liability Litigation*

Exhibit 2  
Docket Report

**U.S. District Court**  
**Alabama Middle District (Montgomery)**  
**CIVIL DOCKET FOR CASE #: 2:19-cv-00258-MHT-JTA**

Dorn et al v. Vivint, Inc.

Assigned to: Honorable Judge Myron H. Thompson

Referred to: Magistrate Judge Jerusha T. Adams

Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 04/09/2019

Date Terminated: 01/07/2022

Jury Demand: Plaintiff

Nature of Suit: 480 Consumer Credit

Jurisdiction: Diversity

Date Filed	#	Docket Text
04/09/2019	<a href="#">1</a>	CLASS ACTION COMPLAINT against Vivint, Inc. (Filing fee \$ 400.00, receipt number 4602053178), filed by Tiffany Dorn. (Attachments: # <a href="#">1</a> Civil Cover Sheet, # <a href="#">2</a> Receipt) (alm, ) (Entered: 04/11/2019)
04/09/2019		DEMAND for Trial by Jury by Tiffany Dorn. (No pdf attached to this entry - See doc <a href="#">1</a> for pdf) (alm, ) (Entered: 04/11/2019)
04/09/2019	<a href="#">2</a>	Corporate/Conflict Disclosure Statement by Tiffany Dorn. (alm, ) (Entered: 04/11/2019)
04/11/2019	<a href="#">3</a>	Summons Issued as to Vivint, Inc.; mailed CMRRR with copy of <a href="#">1</a> Complaint. (alm, ) (Entered: 04/11/2019)
05/14/2019	<a href="#">4</a>	Summons Returned Unexecuted as to Vivint, Inc. with the following notation: "Return to Sender, Vacant, Unable to Forward". (alm, ) (Entered: 05/14/2019)
05/24/2019	<a href="#">5</a>	ANSWER to <a href="#">1</a> Complaint by Vivint, Inc..(Tompkins, Jason) (Entered: 05/24/2019)
05/24/2019		PURSUANT TO THE <a href="#">5</a> ANSWER - ***Attorney Joseph Dennis Leavens & Jonathan Hoffmann for Vivint, Inc. added. (No pdf attached to this entry) (alm, ) (Entered: 05/28/2019)
05/28/2019	<a href="#">6</a>	Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to Vivint, Inc.; Corporate Disclosures due by 6/7/2019. (Attachments: # <a href="#">1</a> Corporate/Conflict Disclosure Attachment)(alm, ) (Entered: 05/28/2019)
05/31/2019	<a href="#">7</a>	<b>ORDER: It is the ORDER, JUDGMENT, and DECREE of the court that the plf has until 6/14/2019, to amend the complaint to allege subject-matter jurisdiction properly. Signed by Honorable Judge Myron H. Thompson on 5/31/2019.</b> (alm, ) (Entered: 05/31/2019)
06/07/2019	<a href="#">8</a>	<b>RULE 26(f) ORDER: it is ORDERED that the Rule 26(f) report containing the discovery plan shall be filed as soon as practicable, as further set out in order; Rule 26 Meeting Report due by 6/28/2019. Signed by Honorable Judge Myron H. Thompson on 6/7/2019.</b> (alm, ) (Entered: 06/07/2019)
06/07/2019	<a href="#">9</a>	Corporate/Conflict Disclosure Statement by Vivint, Inc. re <a href="#">6</a> Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement. (Tompkins, Jason) Modified on 6/7/2019 to add the link to the <a href="#">6</a> Notice (alm, ). (Entered: 06/07/2019)

06/13/2019	<a href="#">10</a>	FIRST AMENDED CLASS ACTION COMPLAINT with JURY DEMAND against Vivint, Inc., filed by Tiffany Dorn.(Mann, Jonathan) Modified on 6/14/2019 to clarify the docket text (kr, ). (Entered: 06/13/2019)
06/26/2019		Case Reassigned to Honorable Judge Stephen Michael Doyle as Referral Judge; Honorable Judge Gray M. Borden no longer assigned to the case. (No pdf attached to this entry) (alm, ) (Entered: 06/26/2019)
06/28/2019	<a href="#">11</a>	REPORT of Rule 26(f) Planning Meeting. (Whitten, Austin) (Entered: 06/28/2019)
07/10/2019	<a href="#">12</a>	<b>UNIFORM SCHEDULING ORDER: Final Pretrial Conference set for 10/29/2020, in chambers in Montgomery, Alabama before Honorable Judge Myron H. Thompson; Jury Trial set for 12/7/2020, at 10:00 AM, in Montgomery, Alabama before Honorable Judge Myron H. Thompson; Dispositive and Daubert Motions due by 5/1/2020; Mediation Notice due by 4/10/2020; Amended Pleadings due by 9/25/2019; Discovery due by 3/27/2020, as further set out in order. Signed by Honorable Judge Myron H. Thompson on 7/10/2019. (Furn: Calendar, AG)(kr, ) (Entered: 07/10/2019)</b>
08/14/2019	<a href="#">13</a>	ANSWER to <a href="#">10</a> Amended Complaint by Vivint, Inc..(Tompkins, Jason) (Entered: 08/14/2019)
09/25/2019	<a href="#">14</a>	Unopposed MOTION for Leave to File Second Amended Class Action Complaint by Tiffany Dorn. (Attachments: # <a href="#">1</a> Exhibit A)(Mann, Jonathan) (Entered: 09/25/2019)
09/26/2019	<a href="#">15</a>	<b>TEXT ORDER: It is ORDERED that the <a href="#">14</a> unopposed motion for leave to file a second amended class action complaint is granted; Plfs shall file the second amended complaint within five business days of this order. Signed by Honorable Judge Myron H. Thompson on 9/26/2019. (No PDF attached to this entry)(amf, ) (Entered: 09/26/2019)</b>
09/26/2019	<a href="#">16</a>	(Second Amended Class Action Complaint) AMENDMENT TO COMPLAINT <i>Second</i> against All Defendants, filed by Tiffany Dorn, Daniel Sullen, Joshua Renfroe.(Mann, Jonathan) Modified on 9/26/2019 to clarify the docket text and to add as also filed on behalf of Plfs Sullen & Renfroe (amf, ). (Entered: 09/26/2019)
09/26/2019		SECOND AMENDED CLASS ACTION COMPLAINT with Jury Demand against Vivint, Inc., filed by Joshua Renfroe, Tiffany Dorn, Daniel Sullen. (No PDF attached to this entry - See doc <a href="#">16</a> for PDF)(amf, ) (Entered: 09/26/2019)
09/26/2019	<a href="#">17</a>	Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to Daniel Sullen & Joshua Renfroe; Corporate Disclosures due by 10/7/2019. (Attachments: # <a href="#">1</a> Corporate/Conflict Disclosure Attachment)(amf, ) (Entered: 09/26/2019)
09/27/2019	<a href="#">18</a>	Corporate/Conflict Disclosure Statement by Joshua Renfroe re <a href="#">17</a> Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement. (Whitten, Austin) Modified on 9/27/2019 to add as filed on behalf of Plf Renfroe & to remove as filed on behalf of Plf Dorn (amf, ) (Entered: 09/27/2019)
09/27/2019	<a href="#">19</a>	Corporate/Conflict Disclosure Statement by Daniel Sullen re <a href="#">17</a> Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement. (Whitten, Austin) (Entered: 09/27/2019)
09/27/2019	<a href="#">20</a>	(JOINT Supplement Regarding Mediation) STATUS REPORT re <a href="#">11</a> REPORT of Rule 26(f) Planning Meeting by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Hoffmann, Jonathan) Modified on 9/27/2019 to clarify the docket text, to add as also filed on behalf of the Plfs, & to add the link to doc <a href="#">11</a> (amf, ) (Entered: 09/27/2019)

10/14/2019	<a href="#">21</a>	<b>ANSWER to <a href="#">16</a> Second Amended Class Action Complaint by Vivint, Inc..(Hoffmann, Jonathan)</b> (Main Document 21 replaced on 10/15/2019 to attach a corrected PDF document to reflect the initials of the Magistrate Judge in the case number as "SMD" and not "GMB") (amf, ). Modified on 10/15/2019 (amf, ). (Entered: 10/14/2019)
10/15/2019	<a href="#">22</a>	NOTICE of Correction re <a href="#">21</a> Answer, to attach a corrected PDF document to reflect the initials of the Magistrate Judge in the case number as "SMD" and not "GMB". (Attachments: # <a href="#">1</a> Main PDF to Document <a href="#">21</a> )(amf, ) (Entered: 10/15/2019)
11/14/2019	<a href="#">23</a>	Joint MOTION for Entry of Protective Order by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Tompkins, Jason) Modified on 11/14/2019 to add as also filed on behalf of the Plfs (amf, ). (Entered: 11/14/2019)
11/15/2019	24	<b>TEXT ORDER granting <a href="#">23</a> Joint Motion for Entry of Protective Order; The protective order will be entered seperately. Signed by Honorable Judge Stephen Michael Doyle on 11/15/2019. (No PDF attached to this entry) (amf, )</b> (Entered: 11/15/2019)
11/15/2019	<a href="#">25</a>	<b>PROTECTIVE ORDER REGARDING CONFIDENTIAL INFORMATION. Signed by Honorable Judge Stephen Michael Doyle on 11/15/2019. (amf, )</b> (Entered: 11/15/2019)
11/20/2019		Case reassigned to Honorable Judge Jerusha T. Adams. Honorable Judge Stephen Michael Doyle no longer assigned to the case as referral judge (NO PDF document attached to this notice). (djy, ) (Entered: 11/20/2019)
01/10/2020	<a href="#">26</a>	Unopposed MOTION to Modify <i>Scheduling Order Deadlines</i> by Tiffany Dorn, Joshua Renfroe, Daniel Sullen re <a href="#">12</a> Uniform Scheduling Order. (Mann, Jonathan) Modified on 1/10/2020 to add the link to the <a href="#">12</a> Order (amf, ). (Entered: 01/10/2020)
01/16/2020	<a href="#">27</a>	<b>ORDER granting <a href="#">26</a> Unopposed Motion to Modify Scheduling Order Deadlines; The <a href="#">12</a> uniform scheduling order is modified in the following respects: A) The deadline for filing a motion for class certification is extended from 1/24/2020, to 3/24/2020; B) The deadline for completing discovery is extended from 3/27/2020, to 5/26/2020; C) The deadline for the parties' settlement conference is extended from 4/3/2020, to 6/2/2020; D) The deadline for filing dispositive motions is extended from 5/1/2020, to 6/30/2020; E) All unexpired deadlines expressly tied to the above dates are adjusted accordingly; All other deadlines are unchanged. Signed by Honorable Judge Myron H. Thompson on 1/16/2020. (amf, )</b> (Entered: 01/16/2020)
03/24/2020	<a href="#">28</a>	MOTION for Class Certification by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 03/24/2020)
03/24/2020	<a href="#">29</a>	MEMORANDUM BRIEF in Support re <a href="#">28</a> MOTION for Class Certification filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 03/24/2020)
03/24/2020	<a href="#">30</a>	Evidentiary Submission in Support re <a href="#">28</a> MOTION for Class Certification, <a href="#">29</a> MEMORANDUM BRIEF filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F)(Mann, Jonathan) (Additional attachment(s) added on 3/25/2020 to redact personal information contained in original filing pursuant to the E-government rules: # <a href="#">7</a> Exhibit A (Redacted)) (amf, ). Modified on 3/25/2020 (amf, ). (Entered: 03/24/2020)
03/25/2020	<a href="#">31</a>	<b>ORDER: It is ORDERED that the <a href="#">28</a> motion for class certification is set for submission, without oral argument, on 4/29/2020, with any opposition brief and evidentiary materials due by 4/15/2020, and any reply to the opposition due by 4/29/2020. Signed by Honorable Judge Myron H. Thompson on 3/25/2020. (amf, )</b> (Entered: 03/25/2020)

04/06/2020	<a href="#">32</a>	MOTION to Extend Deadline to Respond to Motion for Class Certification to Accommodate Deposition of Previously Undisclosed Expert re <a href="#">28</a> MOTION for Class Certification by Vivint, Inc.. (Hoffmann, Jonathan) (Main Document 32 replaced on 4/6/2020 to attach a corrected PDF document to properly reflect the initials of the Magistrate Judge in the case number as "JTA" and not "SMD", & to reflect the date on the certificate of service as 4/6/2020 & not 3/25/2020.) (amf, ). Modified on 4/6/2020 to add the link to the <a href="#">28</a> motion & remove the erroneous link from the <a href="#">29</a> memorandum brief (amf, ). (Entered: 04/06/2020)
04/06/2020	<a href="#">33</a>	NOTICE of Correction re <a href="#">32</a> MOTION to Extend Deadline, to attach a corrected PDF document to properly reflect the initials of the Magistrate Judge in the case number as "JTA" and not "SMD", & to reflect the date on the certificate of service as 4/6/2020 & not 3/25/2020. (Attachments: # <a href="#">1</a> Main PDF to Document <a href="#">32</a> )(amf, ) (Entered: 04/06/2020)
04/06/2020	<a href="#">34</a>	<b>ORDER TO SHOW CAUSE by the Plfs, if any there be, as to why <a href="#">32</a> MOTION to Extend Deadline to Respond to Motion for Class Certification to Accommodate Deposition of Previously Undisclosed Expert should not be granted; Show Cause Response due by 4/9/2020. Signed by Honorable Judge Myron H. Thompson on 4/6/2020. (amf, )</b> (Entered: 04/06/2020)
04/09/2020	<a href="#">35</a>	RESPONSE in Opposition re <a href="#">32</a> MOTION to Extend Deadline to Respond to Motion for Class Certification to Accommodate Deposition of Previously Undisclosed Expert re <a href="#">28</a> MOTION for Class Certification filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 04/09/2020)
04/13/2020	<a href="#">36</a>	<b>TEXT ORDER granting <a href="#">32</a> Motion to Extend Deadline to Respond to Motion for Class Certification to the extent that the deadlines for response and reply to the <a href="#">28</a> motion for class certification are each continued by 14 days. Signed by Honorable Judge Myron H. Thompson on 4/13/2020. (No PDF attached to this entry) (amf, )</b> (Entered: 04/13/2020)
04/27/2020	<a href="#">37</a>	MOTION for Leave to File Supplementary Evidence in Support of Motion for Class Certification Under Seal by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Whitten, Austin) (Entered: 04/27/2020)
04/27/2020	<a href="#">38</a>	MOTION for Leave to File Confidential Document Under Seal by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Whitten, Austin) (Entered: 04/27/2020)
04/29/2020	<a href="#">39</a>	OPPOSITION to <a href="#">28</a> MOTION for Class Certification , <a href="#">29</a> MEMORANDUM Brief filed by Vivint, Inc.. (Hoffmann, Jonathan) (Entered: 04/29/2020)
04/29/2020	<a href="#">40</a>	Evidentiary Submission in Support re <a href="#">39</a> OPPOSITION filed by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C (1 of 3), # <a href="#">4</a> Exhibit C (2 of 3), # <a href="#">5</a> Exhibit C (3 of 3), # <a href="#">6</a> Exhibit D, # <a href="#">7</a> Exhibit E, # <a href="#">8</a> Exhibit F (1 of 2), # <a href="#">9</a> Exhibit F (2 of 2), # <a href="#">10</a> Exhibit G) (Hoffmann, Jonathan) (Entered: 04/29/2020)
04/29/2020	<a href="#">41</a>	MOTION to Strike Declaration <i>and Exclude Report of Chad Seales</i> re <a href="#">30</a> Evidentiary Submission by Vivint, Inc.. (Hoffmann, Jonathan) (Entered: 04/29/2020)
04/30/2020	<a href="#">42</a>	<b>ORDER: It is ORDERED that the <a href="#">41</a> motion to strike is set for submission, without oral argument, on 5/28/2020, with any opposition brief due by 5/21/2020, and any reply to the opposition due by 5/28/2020. Signed by Honorable Judge Myron H. Thompson on 4/30/2020. (amf, )</b> (Entered: 04/30/2020)
04/30/2020	<a href="#">43</a>	<b>ORDER: It is ORDERED that plfs' <a href="#">37</a> motion for leave to file supplementary evidence in support of class certification and <a href="#">38</a> motion for leave to file a confidential document under seal, which dfts have informed the court they do not oppose, are</b>

		<b>granted. Signed by Honorable Judge Myron H. Thompson on 4/30/2020. (amf, )</b> (Entered: 04/30/2020)
04/30/2020	<a href="#">44</a>	MOTION to File Under Seal Exhibits in Support re <a href="#">39</a> OPPOSITION by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A)(Hoffmann, Jonathan) Modified on 5/1/2020 to add the link to doc <a href="#">39</a> (amf, ). (Entered: 04/30/2020)
05/01/2020	45	<b>TEXT ORDER granting <a href="#">44</a> Motion to File Under Seal Exhibits. Signed by Honorable Judge Myron H. Thompson on 5/1/2020. (No PDF attached to this entry) (amf, )</b> (Entered: 05/01/2020)
05/08/2020	<a href="#">46</a>	Unopposed MOTION to Extend Deadline to Reply to Defendant's <a href="#">39</a> Opposition to Motion for Class Certification re 36 Text Order by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Whitten, Austin) Modified on 5/8/2020 to add the link to doc <a href="#">39</a> (amf, ). (Entered: 05/08/2020)
05/08/2020	47	<b>TEXT ORDER granting <a href="#">46</a> Unopposed MOTION to Extend Deadline to Reply to Defendant's <a href="#">39</a> Opposition to Motion for Class Certification. Signed by Honorable Judge Myron H. Thompson on 5/8/2020. (No pdf attached to this entry) (wcl, )</b> (Entered: 05/08/2020)
05/11/2020	<a href="#">48</a>	NOTICE of Filing Documents Under Seal by Tiffany Dorn, Joshua Renfroe, Daniel Sullen re <a href="#">28</a> MOTION for Class Certification , <a href="#">29</a> MEMORANDUM BRIEF. (Attachments: # <a href="#">1</a> Exhibit (Vivint_Dorn001087) to Doc <a href="#">28</a> & <a href="#">29</a> , # <a href="#">2</a> Exhibits (Vivint_Dorn001659 & Vivint_Dorn001814) to Doc <a href="#">28</a> & <a href="#">29</a> )(amf, ) (Entered: 05/15/2020)
05/15/2020	<a href="#">49</a>	Joint MOTION to Modify Scheduling Order Deadlines by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (Bradley, Michael) Modified on 5/18/2020 to clarify the docket text and to add Dft Vivint, Inc. as a filer (bes, ). (Additional attachment(s) added on 5/18/2020: # <a href="#">1</a> Corrected Certificate of Service) (bes, ). (Entered: 05/15/2020)
05/21/2020	<a href="#">50</a>	<b>ORDER directing that: (1) GRANTING <a href="#">49</a> Joint MOTION to modify the scheduling order; (2) the <a href="#">12</a> uniform scheduling order, as amended, is modified in the following respects: (A) The deadline for completing discovery is extended from 5/26/2020, to 7/27/2020; (B) The deadline for the parties settlement conference is extended from 6/2/2020, to 8/3/2020; (C) The deadline for filing dispositive motions is extended from 6/30/2020, to 8/31/2020; (D) the Pretrial Conference is reset from 10/29/2020, to 1/20/2021 and the Jury Trial is reset from 12/7/2020, to the term of court beginning on 3/15/2021, at 10:00 a.m.; (E) All unexpired deadlines (if any) expressly tied to the above dates are adjusted accordingly. All other deadlines remain unchanged. Signed by Honorable Judge Myron H. Thompson on 5/21/2020. Furnished to calendar group &amp; AG.(djt, )</b> (Entered: 05/21/2020)
05/21/2020	<a href="#">51</a>	RESPONSE in Opposition re <a href="#">41</a> MOTION to Strike <a href="#">30</a> Evidentiary Submission, <i>Declaration of Chad Seales</i> filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 05/21/2020)
05/27/2020	<a href="#">52</a>	REPLY BRIEF in further Support re <a href="#">28</a> MOTION for Class Certification filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Ex A, # <a href="#">2</a> Ex B, # <a href="#">3</a> Ex C, # <a href="#">4</a> Ex D, # <a href="#">5</a> Ex E)(Mann, Jonathan) (Additional attachment(s) added on 5/28/2020 to redact personal information contained in original filing pursuant to the E-government rules: # <a href="#">6</a> Ex D (Redacted)) (amf, ). Modified on 5/28/2020 (amf, ). (Entered: 05/27/2020)
05/28/2020	<a href="#">53</a>	REPLY in Support of Motion re <a href="#">41</a> MOTION to Strike <a href="#">30</a> Evidentiary Submission, filed by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit 1)(Hoffmann, Jonathan) (Main Document 53 replaced on 5/29/2020 to attach a corrected PDF document to properly reflect the initials

		of the Magistrate Judge in the case number as "JTA" and not "SMD") (amf, ). Modified on 5/29/2020 (amf, ). (Entered: 05/28/2020)
05/29/2020	<a href="#">54</a>	NOTICE of Correction re <a href="#">53</a> Reply in Support, to attach a corrected PDF document to properly reflect the initials of the Magistrate Judge in the case number as "JTA" and not "SMD". (Attachments: # <a href="#">1</a> Main PDF to Document <a href="#">53</a> )(amf, ) (Entered: 05/29/2020)
05/29/2020	<a href="#">55</a>	NOTICE of Filing.Wav File Exhibits re <a href="#">40</a> Evidentiary Submission by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibits A-1 & A-3)(amf, ) (Entered: 05/29/2020)
05/29/2020	<a href="#">56</a>	NOTICE of Sealed Filing re <a href="#">39</a> OPPOSITION by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit C-7, # <a href="#">2</a> Exhibit C-8, # <a href="#">3</a> Exhibit C-9, # <a href="#">4</a> Exhibit C-10, # <a href="#">5</a> Exhibit C-12, # <a href="#">6</a> Exhibit D-2, # <a href="#">7</a> Exhibit E-3)(amf, ) (Entered: 05/29/2020)
06/02/2020	<a href="#">57</a>	MOTION for Leave to File Confidential Documents Under Seal by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 06/02/2020)
06/03/2020	<a href="#">58</a>	<b>TEXT ORDER granting <a href="#">57</a> Motion for Leave to File Confidential Documents Under Seal. Signed by Honorable Judge Myron H. Thompson on 6/3/2020. (No PDF attached to this entry) (amf, )</b> (Entered: 06/03/2020)
06/08/2020	<a href="#">59</a>	NOTICE of Filing Documents Under Seal by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit A (Confidential, Filed Under Seal))(wcl, ) (Entered: 06/08/2020)
07/09/2020	<a href="#">60</a>	MOTION for Immediate Status Conference by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 07/09/2020)
07/13/2020	<a href="#">61</a>	<b>ORDER: it is ORDERED that the dft file a response to the <a href="#">60</a> motion for immediate status conference by 7/20/2020. Signed by Honorable Judge Myron H. Thompson on 7/13/2020. (wcl, )</b> (Entered: 07/13/2020)
07/17/2020	<a href="#">62</a>	First MOTION to Compel Responses to Discovery Requests <i>and</i> MOTION to Compel Depositions of Certain Vivint Employees by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)(Mann, Jonathan) Modified on 7/20/2020 to clarify the docket text (amf, ). (Entered: 07/17/2020)
07/17/2020	<a href="#">63</a>	MOTION For Leave To Take Additional 30(b)(6) Deposition of Vivint, Inc. by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)(Mann, Jonathan) (Entered: 07/17/2020)
07/20/2020	<a href="#">64</a>	<b>TEXT ORDER: Upon consideration of the Plaintiffs' <a href="#">62</a> First Motion to Compel Responses to Discovery Requests and Motion to Compel Depositions of Certain Vivint Employees, filed on 7/17/2020, and for good cause, it is ORDERED that the Defendant shall SHOW CAUSE on or before 7/22/2020 as to why the <a href="#">62</a> motion should not be granted; The Plaintiffs shall file a reply by noon on 7/24/2020. Signed by Honorable Judge Jerusha T. Adams on 7/20/2020. (No PDF attached to this entry) (amf, )</b> (Entered: 07/20/2020)
07/20/2020	<a href="#">65</a>	RESPONSE to Motion re <a href="#">60</a> MOTION for Immediate Status Conference filed by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A)(Hoffmann, Jonathan) (Entered: 07/20/2020)
07/22/2020	<a href="#">66</a>	RESPONSE to Motion re <a href="#">62</a> First MOTION to Compel Responses to Discovery Requests <i>and</i> MOTION to Compel Depositions of Certain Vivint Employees filed by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G)(Hoffmann, Jonathan) (Entered: 07/22/2020)
07/24/2020	<a href="#">67</a>	REPLY in Support re <a href="#">62</a> First MOTION to Compel Responses to Discovery Requests <i>and</i> MOTION to Compel Depositions of Certain Vivint Employees filed by Tiffany Dorn,



		Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Mann, Jonathan) Modified on 7/27/2020 to add the link to the <a href="#">62</a> motion & remove the link from the <a href="#">66</a> response (amf, ). (Entered: 07/24/2020)
07/24/2020	<a href="#">68</a>	Joint MOTION to Modify Scheduling Order Deadlines by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (Mann, Jonathan) Modified on 7/27/2020 to add as also filed on behalf of the Defendant (amf, ). (Entered: 07/24/2020)
07/24/2020	69	<b>TEXT ORDER: For good cause, it is ORDERED that counsel in this matter shall appear for a telephonic status hearing in this case on Tuesday, 7/28/2020 at 10:00 a.m. Counsel will be provided dial in information by email. Parties are directed to dial in at least five minutes before the hearing is scheduled to begin. If the parties should experience any difficulty, contact chambers at (334) 954-3680. Signed by Honorable Judge Jerusha T. Adams on 7/24/2020. Furnished to calendar group &amp; KR. (NO PDF document attached to this notice).(dji, )</b> (Entered: 07/24/2020)
07/27/2020	<a href="#">70</a>	<b>ORDER: it is ORDERED that the plfs' <a href="#">60</a> motion for immediate status conference and the issues discussed therein are referred to the United States Magistrate Judge for consideration and resolution or recommendation, as appropriate. The magistrate judge should make a recommendation as to whether any deadlines in the Uniform Scheduling Order (doc. no. <a href="#">12</a> , as amended) should be extended. Signed by Honorable Judge Myron H. Thompson on 7/27/2020. (wcl, )</b> (Entered: 07/27/2020)
07/27/2020	71	<b>TEXT ORDER: Upon consideration of the Plaintiffs' <a href="#">63</a> Motion for Leave to Take Additional 30(b)(6) Deposition of Vivint, and for good cause, it is ORDERED that the Defendant shall show cause in writing, on or before July 28, 2020 by 9:00 a.m., as to why the motion should not be GRANTED. Signed by Honorable Judge Jerusha T. Adams on 7/27/2020. (No pdf attached to this entry)(wcl, )</b> (Entered: 07/27/2020)
07/27/2020	<a href="#">72</a>	RESPONSE to Motion re <a href="#">63</a> MOTION For Leave To Take Additional 30(b)(6) Deposition of Vivint, Inc., and MOTION for a Rule 26 Protective Order filed by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D)(Hoffmann, Jonathan) (Additional attachment(s) added on 7/28/2020 to redact personal information contained in original filing pursuant to the E-government rules: # <a href="#">5</a> Exhibit B (Redacted)) (amf, ). Modified on 7/28/2020 (amf, ). (Entered: 07/27/2020)
07/27/2020		MOTION for a Rule 26 Protective Order by Vivint, Inc.. (No PDF attached to this entry - See doc <a href="#">72</a> for PDF) (amf, ) (Entered: 07/27/2020)
07/28/2020	<a href="#">73</a>	<b>ORDER denying <a href="#">62</a> Motion to Compel Responses to Discovery Requests and Motion to Compel Depositions of Certain Vivint Employees with leave to re-file after compliance with FRCP 37(a)(1); The parties are hereby ADVISED to comply with the Middle District of Alabama's Guidelines to Civil Discovery Practice. Signed by Honorable Judge Jerusha T. Adams on 7/28/2020. (wcl, )</b> (Entered: 07/28/2020)
07/28/2020	<a href="#">74</a>	<b>ORDER: it is hereby ORDERED as follows: 1) Plfs' <a href="#">60</a> Motion for Immediate Status Conference is DENIED as moot; 2) On or before 8/4/2020, Plfs shall show cause in writing why Dft's <a href="#">72</a> Motion for a Rule 26 Protective Order should not be granted; Dft shall have a reply by 8/11/2020; 3) The parties shall meet and confer on or before 8/4/2020 to resolve the issues raised in Plfs' <a href="#">63</a> Motion for Leave to Take Additional 30(b)(6) Deposition of Vivint, Inc.; If this discovery dispute is not resolved by the parties, the undersigned will set another hearing to resolve this motion and Dft's Motion for a Rule 26 Protective Order; The parties' <a href="#">68</a> Joint Motion to Modify Scheduling Order Deadlines will be addressed by separate Recommendation. Signed by Honorable Judge Jerusha T. Adams on 7/28/2020. (wcl, )</b> (Entered: 07/28/2020)
07/28/2020	<a href="#">75</a>	Minute Entry for proceedings held before Honorable Judge Jerusha T. Adams: Telephone Status Conference held on 7/28/2020 (PDF available for court use only). (Court Reporter

		Katie Sears-Silas.) (kr, ) (Entered: 07/29/2020)
07/30/2020	<a href="#">76</a>	<b>RECOMMENDATION OF THE MAGISTRATE JUDGE: it is the RECOMMENDATION of the undersigned that the <a href="#">68</a> Joint Motion to Modify Scheduling Order Deadlines be granted; Objections to R&amp;R due by 8/14/2020. Signed by Honorable Judge Jerusha T. Adams on 7/30/2020. (amf, ) (Entered: 07/30/2020)</b>
08/04/2020	<a href="#">77</a>	Joint NOTICE Regarding Discovery Motions by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn re <a href="#">74</a> Order (Attachments: # <a href="#">1</a> Exhibit A)(Hoffmann, Jonathan) Modified on 8/5/2020 to add as also filed on behalf of the Plaintiffs (amf, ). (Entered: 08/04/2020)
08/05/2020	<a href="#">78</a>	<b>ORDER denying as moot <a href="#">63</a> Motion for Leave To Take Additional 30(b)(6) Deposition of Vivint, Inc. &amp; <a href="#">72</a> Motion for a Rule 26 Protective Order. Signed by Honorable Judge Jerusha T. Adams on 8/5/2020. (amf, ) (Entered: 08/05/2020)</b>
08/07/2020	<a href="#">79</a>	<b>ORDER: it is ORDERED as follows: (1) The <a href="#">76</a> recommendation of the United States Magistrate Judge is adopted; (2) The <a href="#">68</a> joint motion to modify the scheduling order is granted to the extent set forth below; (3) The <a href="#">12</a> uniform scheduling order, as amended, is modified in the following respects: (A) The deadline for completing discovery is extended from 7/27/2020, to 9/25/2020; (B) The deadline for the parties' settlement conference is extended from 8/3/2020, to 10/2/2020; (C) The deadline for filing dispositive motions is extended from 8/31/2020, to 10/30/2020; (D) The pretrial is reset from 1/20/2021, to 6/23/2021, at 10:00 a.m., and the trial is reset from 3/15/2021, to the term of court beginning on 8/16/2021, at 10:00 a.m. (E) All unexpired deadlines expressly tied to the above dates are adjusted accordingly. All other deadlines remain unchanged. Signed by Honorable Judge Myron H. Thompson on 8/7/2020. (furn: calendar, ag) (RESET: PTC from 1/20/2021 to 6/23/2021 @ 10AM; Jury Trial from 3/15/2021 to 8/16/2021 @ 10AM) (wcl, ) (Entered: 08/07/2020)</b>
09/11/2020	<a href="#">80</a>	Opposed MOTION to Modify Scheduling Order Deadlines re <a href="#">79</a> Order, <a href="#">12</a> Uniform Scheduling Order by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 09/11/2020)
09/18/2020	<a href="#">81</a>	MOTION to Exclude Expert Report and Testimony of Lindsay H. Gill and MOTION to Strike Plaintiff's Reply in Support of Class Certification re <a href="#">52</a> REPLY BRIEF in further Support by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Hoffmann, Jonathan). Added MOTION to Exclude on 9/21/2020 (amf, ).(Main Document <a href="#">81</a> replaced on 9/21/2020 to attach a corrected PDF document to properly reflect the initials of the Referral Judge in the case number as "JTA" and not "SMD") (amf, ). Modified on 9/21/2020 to clarify the docket text & to add the link to the <a href="#">52</a> reply (amf, ). (Entered: 09/18/2020)
09/21/2020	<a href="#">82</a>	NOTICE of Correction re <a href="#">81</a> MOTION to Exclude Expert Report and Testimony of Lindsay H. Gill <i>and</i> MOTION to Strike Plaintiff's Reply in Support of Class Certification, to attach a corrected PDF document to properly reflect the initials of the Referral Judge in the case number as "JTA" and not "SMD:.". (Attachments: # <a href="#">1</a> Main PDF to Document <a href="#">81</a> )(amf, ) (Entered: 09/21/2020)
09/22/2020	<a href="#">83</a>	<b>ORDER TO SHOW CAUSE by the dft, if any there be, in writing as to why the <a href="#">80</a> Motion to Modify Scheduling Order should not be granted; Show Cause Response due by 9/25/2020; The plfs may file a reply by 9/29/2020. Signed by Honorable Judge Myron H. Thompson on 9/22/2020. (wcl, ) (Entered: 09/22/2020)</b>
09/22/2020	<a href="#">84</a>	<b>ORDER: it is ORDERED that the dft's <a href="#">81</a> motion to exclude the expert report and testimony of Lindsay H. Gill and to strike plfs' reply in support of class certification</b>

		<b>is set for submission, without oral argument, on 10/20/2020, with any opposition brief due by 10/13/2020, and any reply to the opposition due by 10/20/2020. Signed by Honorable Judge Myron H. Thompson on 9/22/2020. (wcl, ) (Entered: 09/22/2020)</b>
09/25/2020	<a href="#">85</a>	RESPONSE in Opposition re <a href="#">80</a> Opposed MOTION to Modify Scheduling Order Deadlines filed by Vivint, Inc.. (Hoffmann, Jonathan) (Entered: 09/25/2020)
09/29/2020	<a href="#">86</a>	REPLY to Response to Motion re <a href="#">80</a> Opposed MOTION to Modify Scheduling Order Deadlines filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 09/29/2020)
09/30/2020	<a href="#">87</a>	<b>ORDER: It is ORDERED that: 1) Plaintiffs' <a href="#">80</a> opposed motion to modify scheduling order deadlines is granted; 2) The <a href="#">12</a> uniform scheduling order, as amended, is modified in the following respects: A) The deadline for completing discovery is extended from 9/25/2020, to 11/24/2020; B) The deadline for the parties' settlement conference is extended from 10/2/2020, to 12/1/2020; C) The deadline for filing dispositive motions is extended from 10/30/2020, to 12/29/2020; D) All unexpired deadlines expressly tied to the above dates are adjusted accordingly; All other deadlines remain unchanged. Signed by Honorable Judge Myron H. Thompson on 9/30/2020. (amf, ) (Entered: 09/30/2020)</b>
10/08/2020	<a href="#">88</a>	Unopposed MOTION to Stay Briefing Deadlines by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 10/08/2020)
10/09/2020	<a href="#">89</a>	<b>ORDER: it is ORDERED that the <a href="#">88</a> Unopposed Motion to Stay Briefing Deadlines is granted, and all briefing deadlines related to the <a href="#">81</a> motion to exclude are stayed pending resolution of the plaintiffs' forthcoming motion for leave to supplement their reply brief. Signed by Honorable Judge Myron H. Thompson on 10/9/2020. (amf, ) (Entered: 10/09/2020)</b>
12/08/2020	<a href="#">90</a>	Notice of Mediation and Settlement Conference by All Plaintiffs (Mann, Jonathan) (Entered: 12/08/2020)
12/16/2020	<a href="#">91</a>	Joint MOTION to Modify Scheduling Order Deadlines re <a href="#">87</a> Order by Vivint, Inc.. (Hoffmann, Jonathan) (Additional attachment(s) added on 12/21/2020: # <a href="#">1</a> Corrected Certificate of Service) (amf, ). (Entered: 12/16/2020)
12/18/2020	<a href="#">92</a>	<b>ORDER directing that: (1) the <a href="#">91</a> Joint MOTION to Modify scheduling order deadlines is granted; (2) the <a href="#">12</a> uniform scheduling order, as amended, is modified to the extent that the deadline for filing dispositive motions is extended from 12/29/2020, to 1/12/2021, with all unexpired deadlines expressly tied to that date adjusted accordingly ; (3) The following briefing schedule shall apply to any dispositive or Daubert motions filed by the above deadline: responses shall be due 45 days from the date such motion is filed, and any replies to the responses shall be due 21 days from the date such response is filed. Signed by Honorable Judge Myron H. Thompson on 12/18/2020. (dgy, ) (Entered: 12/18/2020)</b>
12/23/2020	<a href="#">93</a>	MOTION for Leave to Supplement to Plaintiffs' Reply Brief in Further Support of Plaintiffs' Motion for Class Certification by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit Supplemental Report of Lindsay Gill)(Mann, Jonathan) (Entered: 12/23/2020)
12/23/2020	<a href="#">94</a>	MOTION for Leave to File Confidential Documents Under Seal by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Entered: 12/23/2020)
12/28/2020	95	<b>TEXT ORDER granting <a href="#">94</a> Motion for Leave to File Confidential Documents Under Seal. Signed by Honorable Judge Myron H. Thompson on 12/28/2020. (No PDF attached to this entry) (amf, ) (Entered: 12/28/2020)</b>

12/29/2020	<a href="#">96</a>	NOTICE of Filing Documents Under Seal by Tiffany Dorn, Joshua Renfroe, Daniel Sullen re <a href="#">93</a> - 1 Supplemental Expert Report. (Attachments: # <a href="#">1</a> Exhibits A,B, & C to Doc <a href="#">93</a> - 1 )(amf, ) (Entered: 12/30/2020)
01/12/2021	<a href="#">97</a>	MOTION to Exclude Expert Report and Testimony of Christopher Bullock by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2)(Leavens, Joseph) (Entered: 01/12/2021)
01/12/2021	<a href="#">98</a>	MOTION to Exclude Expert Opinions of Stan V. Smith by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7)(Tompkins, Jason) (Entered: 01/12/2021)
01/12/2021	<a href="#">99</a>	MOTION for Summary Judgment by Vivint, Inc.. (Hoffmann, Jonathan) (Entered: 01/12/2021)
01/12/2021	<a href="#">100</a>	MEMORANDUM BRIEF in Support re <a href="#">99</a> MOTION for Summary Judgment filed by Vivint, Inc.. (Hoffmann, Jonathan) (Entered: 01/12/2021)
01/12/2021	<a href="#">101</a>	Evidentiary Submission in Support re <a href="#">99</a> MOTION for Summary Judgment filed by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A- Declaration of Potter, # <a href="#">2</a> Exhibit B- Ricks Depo, # <a href="#">3</a> Exhibit C- Dorn Depo (1 of 3), # <a href="#">4</a> Exhibit C- Dorn Depo (2 of 3), # <a href="#">5</a> Exhibit C - Dorn Depo (3 of 3), # <a href="#">6</a> Exhibit D - Renfroe Depo, # <a href="#">7</a> Exhibit E - Sullen Depo, # <a href="#">8</a> Exhibit F- Seales Depo (1of 2), # <a href="#">9</a> Exhibit F Seales (2 of2), # <a href="#">10</a> Exhibit G - Vivint Discovery Responses)(Hoffmann, Jonathan) (Entered: 01/12/2021)
01/12/2021	<a href="#">102</a>	MOTION for Leave to File Under Seal Exhibits in Support re <a href="#">99</a> MOTION for Summary Judgment by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A - Proposed Order)(Hoffmann, Jonathan) Modified on 1/13/2021 to add the link to the <a href="#">99</a> Motion (amf, ). (Entered: 01/12/2021)
01/13/2021	103	<b>TEXT ORDER granting <a href="#">102</a> Motion for Leave to File Under Seal Exhibits in Support of Motion for Summary Judgment. Signed by Honorable Judge Myron H. Thompson on 1/13/2021. (No PDF attached to this entry) (amf, )</b> (Entered: 01/13/2021)
01/13/2021	<a href="#">104</a>	<b>ORDER: Upon consideration of the plfs' <a href="#">93</a> motion for leave to supplement, it is ORDERED that the dfts shall file a response to the motion by 1/20/2021, and that the plfs may file a reply to the response by 1/25/2021. Signed by Honorable Judge Myron H. Thompson on 1/13/2021. (bes, )</b> (Entered: 01/13/2021)
01/14/2021	<a href="#">105</a>	NOTICE of Filing of WAV Exhibits by Vivint, Inc. re <a href="#">99</a> MOTION for Summary Judgment , <a href="#">101</a> Evidentiary Submission. (Attachments: # <a href="#">1</a> Exhibit A-2, # <a href="#">2</a> Exhibit A-4) (amf, ) (Entered: 01/15/2021)
01/14/2021	<a href="#">106</a>	NOTICE of Sealed Filing by Vivint, Inc. re <a href="#">99</a> MOTION for Summary Judgment , <a href="#">101</a> Evidentiary Submission. (Attachments: # <a href="#">1</a> Exhibit A-1, # <a href="#">2</a> Exhibit C-7, # <a href="#">3</a> Exhibit C-8, # <a href="#">4</a> Exhibit C-9, # <a href="#">5</a> Exhibit C-10, # <a href="#">6</a> Exhibit C-12, # <a href="#">7</a> Exhibit D-2, # <a href="#">8</a> Exhibit E-3) (amf, ) (Entered: 01/15/2021)
01/20/2021	<a href="#">107</a>	RESPONSE in Opposition re <a href="#">93</a> MOTION for Leave to Supplement to Plaintiffs' Reply Brief in Further Support of Plaintiffs' Motion for Class Certification by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E) (Hoffmann, Jonathan) (Entered: 01/20/2021)
01/25/2021	<a href="#">108</a>	REPLY to Response to Motion re <a href="#">93</a> MOTION for Leave to Supplement to Plaintiffs' Reply Brief in Further Support of Plaintiffs' Motion for Class Certification filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit Ex. A - Compilation of Letters to Vivint re Discovery Deficiencies)(Mann, Jonathan) (Entered: 01/25/2021)

02/05/2021	<a href="#">109</a>	NOTICE of Supplemental Authority by Tiffany Dorn, Joshua Renfroe, Daniel Sullen (Attachments: # <a href="#">1</a> Exhibit Cherry, et al. v. Dometic Corp.)(Mann, Jonathan) (Entered: 02/05/2021)
02/16/2021	<a href="#">110</a>	<b>OPINION AND ORDER: it is ORDERED that: 1) The plaintiffs' <a href="#">93</a> motion for leave to supplement is granted; 2) The plaintiffs shall, by 2/19/2021, file Lindsay Gill's supplemental expert report (doc. no. <a href="#">93</a> - 1) as a supplement to their reply brief in support of their <a href="#">52</a> motion for class certification; The clerk's office shall link the supplement to the exhibits previously filed under seal (doc. no. <a href="#">96</a> - 1); 3) Defendant Vivint, Inc.'s <a href="#">81</a> motion to exclude the expert report and testimony of Lindsay Gill is denied without prejudice; Defendant Vivint, Inc. may file a motion to exclude Gill's supplemented report and testimony by 5:00 p.m. on 3/12/2021; 4) Defendant Vivint, Inc. may file a surreply in opposition to the plaintiffs' motion for class certification by 5:00 p.m. on 3/19/2021. Signed by Honorable Judge Myron H. Thompson on 2/16/2021. (amf, )</b> (Entered: 02/16/2021)
02/19/2021	<a href="#">111</a>	NOTICE of Filing of Supplemental Expert Report of Lindsay Gill by Tiffany Dorn, Joshua Renfroe, Daniel Sullen re <a href="#">52</a> Reply Brief (Attachments: # <a href="#">1</a> Supplement Lindsay Gill's Supplemental Expert Report)(Mann, Jonathan) (Entered: 02/19/2021)
02/26/2021	<a href="#">112</a>	RESPONSE in Opposition re <a href="#">99</a> MOTION for Summary Judgment filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Mann, Jonathan) (Additional attachment(s) added on 3/8/2021 to redact personal information contained in original filing pursuant to the E-government rules: # <a href="#">1</a> Main PDF Document (Redacted)) (amf, ). Modified on 3/8/2021 (amf, ). (Entered: 02/26/2021)
02/26/2021	<a href="#">113</a>	Evidentiary Submission re <a href="#">112</a> Response in Opposition to Motion for Summary Judgment filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10, # <a href="#">11</a> Exhibit 10-A, # <a href="#">12</a> Exhibit 11, # <a href="#">13</a> Exhibit 11-A, # <a href="#">14</a> Exhibit 15, # <a href="#">15</a> Exhibit 16, # <a href="#">16</a> Exhibit 17-A, # <a href="#">17</a> Exhibit 17-B, # <a href="#">18</a> Exhibit 17-C, # <a href="#">19</a> Exhibit 18, # <a href="#">20</a> Exhibit 19, # <a href="#">21</a> Exhibit 23 and Ex. 23-1, # <a href="#">22</a> Exhibit 25, # <a href="#">23</a> Exhibit 26-A, # <a href="#">24</a> Exhibit 26-B, # <a href="#">25</a> Exhibit 26-C, # <a href="#">26</a> Exhibit 26-D, # <a href="#">27</a> Exhibit 26-E, # <a href="#">28</a> Exhibit 26-F)(Mann, Jonathan) Modified on 3/1/2021 to clarify text (cwl, ). (Additional attachment(s) added on 3/8/2021 to redact personal information contained in original filing pursuant to the E-government rules: # <a href="#">29</a> Exhibit 3 (Redacted), # <a href="#">30</a> Exhibit 25 (Redacted)) (amf, ). Modified on 3/8/2021 (amf, ). (Entered: 02/26/2021)
02/26/2021	<a href="#">114</a>	RESPONSE in Opposition re <a href="#">97</a> MOTION to Exclude Expert Report and Testimony of Christopher Bullock filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit Ex. A Bullock Report, # <a href="#">2</a> Exhibit Ex. B Bullock Depo)(Mann, Jonathan) (Entered: 02/26/2021)
02/26/2021	<a href="#">115</a>	RESPONSE in Opposition re <a href="#">98</a> MOTION to Exclude Expert Opinions of Stan V. Smith filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit A - Expert Report of Stan V. Smith, Ph.D., # <a href="#">2</a> Exhibit B - Deposition of Stan V. Smith, Ph.D.)(Mann, Jonathan) (Entered: 02/26/2021)
03/02/2021	<a href="#">116</a>	NOTICE of Filing.WAV File Exhibits Regarding Evidentiary Submission in Support of Plaintiff's Response to Vivint, Inc.'s <a href="#">99</a> MOTION for Summary Judgment by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit 8-A, 8-B, 8-C, 8-D, 8-E, 8-F, 8-G, 8-H, 8-1, 8-J, 8-K, 8-L 8-M, 8-N, 8-0, 8-P, 8-Q, 8-R, 8-S, and 8-T)(amf, ) (Entered: 03/02/2021)
03/02/2021	<a href="#">117</a>	NOTICE of Sealed Filing Regarding Evidentiary Submission in Support of Plaintiff's Response to Vivint Inc.'s <a href="#">99</a> MOTION for Summary Judgment by Tiffany Dorn, Joshua

		Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 9, # <a href="#">4</a> Exhibit 12, # <a href="#">5</a> Exhibit 13, # <a href="#">6</a> Exhibit 14 A, # <a href="#">7</a> Exhibit 14 B, # <a href="#">8</a> Exhibit 14 C, # <a href="#">9</a> Exhibit 14 D, # <a href="#">10</a> Exhibit 14 E, # <a href="#">11</a> Exhibit 14 F, # <a href="#">12</a> Exhibit 15, # <a href="#">13</a> Exhibit 20 A, # <a href="#">14</a> Exhibit 20 B, # <a href="#">15</a> Exhibit 20 C, # <a href="#">16</a> Exhibit 21 A, # <a href="#">17</a> Exhibit 21 B, # <a href="#">18</a> Exhibit 21 C, # <a href="#">19</a> Exhibit 22A, # <a href="#">20</a> Exhibit 24, # <a href="#">21</a> Exhibit 27)(amf, ) (Entered: 03/03/2021)
03/12/2021	<a href="#">118</a>	MOTION to Exclude Supplemental Expert Report and Testimony of Lindsay H. Gill by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A - Gill Initial Report, # <a href="#">2</a> Exhibit B - Gill Initial Deposition, # <a href="#">3</a> Exhibit C - Gill Supplemental Report, # <a href="#">4</a> Exhibit D - Gill Supplemental Deposition, # <a href="#">5</a> Exhibit E - Demonstrative)(Hoffmann, Jonathan) (Entered: 03/12/2021)
03/19/2021	<a href="#">119</a>	REPLY in Support re <a href="#">97</a> MOTION to Exclude Expert Report and Testimony of Christopher Bullock filed by Vivint, Inc.. (Leavens, Joseph) (Entered: 03/19/2021)
03/19/2021	<a href="#">120</a>	REPLY BRIEF re <a href="#">98</a> MOTION to Exclude Expert Opinions of Stan V. Smith filed by Vivint, Inc.. (Tompkins, Jason) (Entered: 03/19/2021)
03/19/2021	<a href="#">121</a>	SUR-REPLY in Opposition re <a href="#">28</a> MOTION for Class Certification filed by Vivint, Inc.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Tompkins, Jason) (Entered: 03/19/2021)
03/19/2021	<a href="#">122</a>	REPLY in Support re <a href="#">99</a> MOTION for Summary Judgment , <a href="#">100</a> Memorandum Brief filed by Vivint, Inc.. (Hoffmann, Jonathan) (Entered: 03/19/2021)
04/06/2021	<a href="#">123</a>	<b>ORDER: It is ORDERED that the <a href="#">118</a> motion to exclude the supplemental expert report and testimony of Lindsay H. Gill is set for submission, without oral argument, on 5/4/2021, with any opposition brief and evidentiary materials due by 4/27/2021 and any reply to the opposition due by 5/4/2021. Signed by Honorable Judge Myron H. Thompson on 4/6/2021. (amf, )</b> (Entered: 04/06/2021)
04/27/2021	<a href="#">124</a>	RESPONSE in Opposition re <a href="#">118</a> MOTION to Exclude Supplemental Expert Report and Testimony of Lindsay H. Gill filed by Tiffany Dorn, Joshua Renfroe, Daniel Sullen. (Attachments: # <a href="#">1</a> Exhibit Gill's Original Expert Report, # <a href="#">2</a> Exhibit Gill's First Depo Transcript, # <a href="#">3</a> Exhibit Gill's Supplemental Expert Report, # <a href="#">4</a> Exhibit Gill's Second Depo Transcript)(Mann, Jonathan) (Entered: 04/27/2021)
05/03/2021	<a href="#">125</a>	NOTICE of Change of Firm Name by Tiffany Dorn, Joshua Renfroe, Daniel Sullen (Mann, Jonathan) (Entered: 05/03/2021)
05/04/2021	<a href="#">126</a>	REPLY in Support re <a href="#">118</a> MOTION to Exclude Supplemental Expert Report and Testimony of Lindsay H. Gill filed by Vivint, Inc.. (Hoffmann, Jonathan) (Entered: 05/04/2021)
05/28/2021	<a href="#">127</a>	Joint MOTION to Stay Outstanding Deadlines and Withhold Rulings Pending Mediation by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Tompkins, Jason) Modified on 6/1/2021 to add as also filed on behalf of the Plaintiffs (amf, ). (Entered: 05/28/2021)
06/03/2021	<a href="#">128</a>	<b>ORDER: It is ORDERED that: 1) The <a href="#">127</a> joint motion to stay outstanding deadlines and withhold rulings pending mediation is granted; 2) All outstanding, unexpired deadlines are stayed, including any that have come due since the filing of the joint motion to stay; 3) The pretrial, currently set for 6/23/2021, and the trial, currently set for 8/16/2021, are continued generally; 4) No later than fourteen days after the mediation, the parties shall file with the court a notice regarding the result of the mediation, which notification shall include the parties' proposal regarding resumption of this matter, including a new trial date and pretrial deadlines, if needed; 5) The court will not rule on any pending motions unless and until it receives notice from the parties that the mediation was unsuccessful. Signed by Honorable Judge Myron H. Thompson on 6/3/2021. (Furnished: Calendar &amp; AG)</b>

		(Terminated: PTC for 6/23/2021 & Jury Trial for 8/16/2021) (amf, ) (Entered: 06/03/2021)
01/07/2022	<a href="#">129</a>	<b>ORDER: It is ORDERED that: 1) Starting on 2/1/2022, and on the first Tuesday of every month thereafter until the conclusion of the mediation/settlement effort, the parties shall jointly file periodic reports on the status of the mediation/settlement effort; 2) Within 14 days of the conclusion of the mediation/settlement effort, the parties shall file with the court a notice regarding the result of the mediation, which notification shall include, if necessary, the parties' proposal regarding resumption of this matter, including a new trial date and pretrial deadlines; 3) All pending motions are denied with leave to reinstate should the case not settle; 4) This case is administratively closed pending mediation. Signed by Honorable Judge Myron H. Thompson on 1/7/2022. (amf, ) (Entered: 01/07/2022)</b>
02/01/2022	<a href="#">130</a>	Joint STATUS REPORT Regarding Mediation by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Hoffmann, Jonathan) Modified on 2/2/2022 to add as also filed on behalf of the Plaintiffs (amf, ). (Entered: 02/01/2022)
03/01/2022	<a href="#">131</a>	Joint STATUS REPORT Regarding Mediation by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Hoffmann, Jonathan) Modified on 3/1/2022 to add as also filed on behalf of the Plaintiffs (amf, ). (Entered: 03/01/2022)
04/04/2022	<a href="#">132</a>	Joint STATUS REPORT <i>Regarding Mediation</i> by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Tompkins, Jason) Modified on 4/4/2022 to clarify the docket text and to add the PLFs as filers (bes, ). (Entered: 04/04/2022)
05/03/2022	<a href="#">133</a>	Joint STATUS REPORT <i>Regarding Mediation</i> by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Tompkins, Jason) Modified on 5/4/2022 to add as also filed on behalf of the Plaintiffs (amf, ). (Entered: 05/03/2022)
05/20/2022	<a href="#">134</a>	Joint STATUS REPORT <i>Regarding Mediation</i> by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Tompkins, Jason) Modified on 5/20/2022 to add as also filed on behalf of the Plaintiffs (amf, ). (Entered: 05/20/2022)
06/07/2022	<a href="#">135</a>	Joint STATUS REPORT <i>Regarding Mediation</i> by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Tompkins, Jason) Modified on 6/8/2022 to add as also filed on behalf of the Plaintiffs (amf, ). (Entered: 06/07/2022)
07/05/2022	<a href="#">136</a>	Joint STATUS REPORT <i>Regarding Mediation</i> by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (Mann, Jonathan) Modified on 7/5/2022 to add as also filed on behalf of the Defendant (amf, ). (Entered: 07/05/2022)
07/19/2022	<a href="#">137</a>	Joint STATUS REPORT <i>Regarding Mediation</i> by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (Mann, Jonathan) Modified on 7/19/2022 to add as also filed on behalf of the Defendant (amf, ). (Entered: 07/19/2022)
08/02/2022	<a href="#">138</a>	(Joint Status Report) Notice of Mediation and Settlement Conference by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (Mann, Jonathan) Modified on 8/3/2022 to clarify the docket text, to remove as filed on behalf of "all plaintiffs", and and to list the filers individually (amf, ) (Entered: 08/02/2022)
08/02/2022		Joint STATUS REPORT <i>Regarding Mediation</i> by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (No PDF attached to this entry - See doc <a href="#">138</a> for PDF) (amf, ) (Entered: 08/03/2022)
09/06/2022	<a href="#">139</a>	JOINT STATUS REPORT <i>Regarding Mediation</i> by Vivint, Inc., Daniel Sullen, Joshua Renfroe, Tiffany Dorn. (Tompkins, Jason) Modified on 9/8/2022 to add the plfs as filers and to clarify the docket text (wcl, ). (Entered: 09/06/2022)

10/04/2022	<a href="#">140</a>	Joint STATUS REPORT Regarding Mediation by Vivint, Inc., Tiffany Dorn, Daniel Sullen, Joshua Renfroe. (Tompkins, Jason) Modified on 10/5/2022 to clarify text as to pleading and add plfs as filers. (es, ). (Entered: 10/04/2022)
05/10/2023	<a href="#">141</a>	<b>IMPORTANT NOTICE: Counsel for the parties are reminded that they are to file monthly status reports on the first Tuesday of every month until the conclusion of the mediation/settlement effort, pursuant to the court's order of January 7, 2022 (Doc. <a href="#">129</a> ). Signed by Honorable Judge Myron H. Thompson on 5/10/2023. (cwl, )</b> (Entered: 05/10/2023)
05/11/2023	<a href="#">142</a>	(STRICKEN - ATTORNEY E-FILED UNDER INCORRECT EVENT) NOTICE by Tiffany Dorn, Joshua Renfroe, Daniel Sullen <i>of Joint Status Report Regarding Mediation</i> (Mann, Jonathan) Modified on 5/12/2023 (cwl, ). (Entered: 05/11/2023)
05/11/2023		Joint STATUS REPORT Regarding Mediation by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, Vivint, Inc. (No pdf attached - see doc <a href="#">142</a> for pdf. Attorney used incorrect event when e-filing) (cwl, ) (Entered: 05/12/2023)
06/06/2023	<a href="#">143</a>	Joint STATUS REPORT <i>Regarding Mediation</i> by Tiffany Dorn, Vivint, Inc., Joshua Renfroe, Daniel Sullen (Mann, Jonathan) Modified on 6/6/2023 to add joint filers and clarify as joint (cwl, ). (Entered: 06/06/2023)
07/05/2023	<a href="#">144</a>	Joint STATUS REPORT <i>Regarding Mediation</i> by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, and Vivint, Inc.. (Mann, Jonathan) Modified on 7/5/2023 to clarify text and add filers (hrr, ). (Entered: 07/05/2023)
08/01/2023	<a href="#">145</a>	Joint STATUS REPORT Regarding Mediation by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (Mann, Jonathan) Modified on 8/2/2023 to add as also filed on behalf of the Defendant (amf, ). (Entered: 08/01/2023)
08/17/2023	<a href="#">146</a>	<b>ORDER: the clerk of court is ORDERED to mail the letters to plaintiff Tiffany Dorn's attorneys. The court assumes that the plaintiffs' attorneys will respond to plaintiff Dorn's concerns. Signed by Honorable Judge Myron H. Thompson on 8/17/2023. (Letters mailed to plf's attorney as directed) (hrr, )</b> (Entered: 08/17/2023)
09/06/2023	<a href="#">147</a>	Joint STATUS REPORT <i>Regarding Mediation</i> by Tiffany Dorn, Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (Mann, Jonathan) Modified on 9/6/2023 to clarify text and add DFT as filer(bes, ). (Entered: 09/06/2023)
09/19/2023	<a href="#">148</a>	MOTION for Jonathan Mann, Austin Whitten, and Michael Bradley to Withdraw as Attorney by Tiffany Dorn. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Mann, Jonathan) Modified on 9/20/2023 to reflect requesting attys(bes, ). (Entered: 09/19/2023)
09/21/2023	<a href="#">149</a>	<b>ORDER: it is ORDERED as follows: (1) The motion to withdraw (Doc. <a href="#">148</a> ) is granted, and the PDHBM attorneys shall no longer be counsel of record for plaintiff Tiffany Dorn in this action. The PDHBM attorneys shall remain counsel of record for all other plaintiffs. (2) The PDHBM attorneys shall, by September 26, 2023, file with the court the current mailing address and telephone number for plaintiff Tiffany Dorn. In the meantime, they shall mail plaintiff Dorn a copy of this order. (3) Plaintiff Dorn shall proceed pro se, that is, without counsel, unless new counsel appears for her. (4) Plaintiff Dorn shall have until November 20, 2023, to obtain new counsel or advise the court that she intends to proceed pro se before her claims will be moved off the courts administrative docket to resume litigation. Signed by Honorable Judge Myron H. Thompson on 9/21/2023. (bes, )</b> (Entered: 09/21/2023)
09/22/2023	<a href="#">150</a>	NOTICE by Tiffany Dorn <i>of Current Mailing Address and Telephone Number of plaintiff Tiffany Dorn</i> (Mann, Jonathan) (Entered: 09/22/2023)



09/22/2023		***PURSUANT TO THE <a href="#">149</a> ORDER & FILING OF THE <a href="#">150</a> NOTICE - Attorneys Austin Brock Whitten, Michael Cory Bradley, and Jonathan Stephen Mann terminated for PLF Dorn. (No PDF attached to this entry) (bes, ) (Entered: 09/25/2023)
10/03/2023	<a href="#">151</a>	Joint STATUS REPORT Regarding Mediation by Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (Mann, Jonathan) Modified on 10/4/2023 to remove as filed on behalf of Plaintiff Tiffany Dorn & to add as also filed on behalf of Defendant Vivint, Inc.. (amf, ). (Additional attachment(s) added on 10/4/2023: # <a href="#">1</a> Certificate of Service) (amf, ). (Entered: 10/03/2023)
10/18/2023	<a href="#">152</a>	MOTION for Hearing by Tiffany Dorn. (bes, ) (Entered: 10/19/2023)
10/19/2023	<a href="#">153</a>	NOTICE of Non-Attendance in Mediation Sessions, Fraudulent Inducement, Negligence, Manipulation by Tiffany Dorn (bes, ) (Entered: 10/19/2023)
10/20/2023	<a href="#">154</a>	<b>ORDER: it is ORDERED that, by 10/27/2023, the parties (other than plf Tiffany Dorn) shall file a joint stipulation of dismissal or other appropriate document to resolve the case in light of the settlement. Signed by Honorable Judge Myron H. Thompson on 10/20/2023. (bes, )</b> (Entered: 10/20/2023)
10/27/2023	<a href="#">155</a>	Joint STIPULATION of Dismissal of the Claims of PLFs Sullen & Renfroe by Joshua Renfroe, Daniel Sullen, Vivint, Inc.. (Mann, Jonathan) Modified on 10/30/2023 to clarify text and add DFT as filer (bes, ). (Entered: 10/27/2023)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/09/2024 14:30:42			
<b>PACER Login:</b>	Awhitten2018	<b>Client Code:</b>	45498
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:19-cv-00258-MHT-JTA End date: 10/27/2023
<b>Billable Pages:</b>	14	<b>Cost:</b>	1.40