

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MARIA TAPIA-RENDON, individually and  
on behalf of all others similarly situated,

*Plaintiff,*

v.

WORKEASY SOFTWARE, LLC,

*Defendant.*

Case No. 1:21-cv-3400

Judge: Hon. Matthew F. Kennelly

Magistrate: Hon. Beth W. Jantz

**DECLARATION OF J. DOMINICK LARRY  
IN SUPPORT OF MOTION FOR  
ATTORNEYS' FEES, EXPENSES, AND INCENTIVE AWARD**

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

1. I am an attorney admitted to practice in the State of Illinois. I am the owner of Nick Larry Law LLC, and have been retained to represent Plaintiff and appointed as Class Counsel in this matter.

2. I make this Declaration in support of Plaintiff's Motion for Attorneys' Fees, Expenses, and Incentive Award. I am over 18 and am fully competent to make this declaration. This declaration is based upon my personal knowledge, except where expressly noted otherwise.

***Background and Experience***

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

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

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

6. Most relevant here, I was part of the team responsible for the first consumer class action asserting BIPA violations, *Licata v. Facebook*, Case No. 2015-CH-05427 (Cir. Ct. Cook Cnty., Ill., Apr. 1, 2015), later removed, transferred, and coordinated with other proceedings under the caption *In re Facebook Biometric Information Privacy Litig.*, No. 15-cv-3747 (N.D. Cal.). From filing until I left the firm nearly two years later, I was the senior associate on the case, and was responsible for all aspects of case management, including assisting with case development, and briefing many issues that helped shape BIPA litigation in subsequent years.

7. I was also part of the team that obtained the first class-wide BIPA settlement, in *Sekura v. L.A. Tan Enterps.*, No. 2015-CH-16694 (Cir. Ct. Cook Cnty., Ill.), and was responsible for briefing and arguing novel BIPA issues in several cases then pending.

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

9. Along with other lawyers, I was appointed lead class counsel on *In re LinkedIn User Privacy Litig.*, No. 12-cv-3088 (N.D. Cal.), a consolidated class action arising out of LinkedIn's well-publicized 2012 data breach. I was responsible for the amended pleadings, hiring and overseeing plaintiffs' data-security and behavioral-economics testifying expert, and briefing and arguing the motion to dismiss. Those efforts resulted in the Court endorsing a novel, consumer-fraud based theory of liability for failure to employ industry-standard security measures. *See In re LinkedIn*, 2014 WL 1323713 (N.D. Cal. Mar. 28, 2014). After the parties negotiated a class settlement, I was responsible for briefing and arguing preliminary approval, final approval, and the petition for attorneys' fees, costs, and incentive award.

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

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

12. After leaving Edelson, I worked at two more firms before opening my own firm in June 2020. During those intervening years, I performed plaintiff's litigation on behalf of corporate

clients, was plaintiff's counsel on consumer class actions, and represented thousands of consumers in individual arbitrations.

13. Since launching my own firm, I have acted as lead counsel in dozens of class and individual actions in state and federal courts, and have been appointed class counsel in several class actions, including BIPA class actions. *See Hosch v. Drybar Holdings LLC*, No. 2021-CH-01976 (Cir. Ct. Cook Cnty., Ill.); *Rivera v. Am. Freedom Ins. Co.*, No. 2020-CH-06596 (Cir. Ct. Cook Cnty., Ill.); *Bertasiute v. The Hari Group, Inc., et al.*, No. 2020-CH-07055 (Cir. Ct. Cook Cnty., Ill.); *Morrissey v. Tula Life Inc.*, No. 2021-L-000646 (18th Judicial Cir., DuPage Cnty., Ill.); *Watson v. E.T. Browne Drug Co., Inc.*, No. 2022-LA-000151 (18th Judicial Cir., DuPage Cnty., Ill.); *Velasco v. Belmont Groceries, LLC*, No. 2023-CH-01077 (Cir. Ct. Cook Cnty., Ill.); *Rogers v. Border Foods, Inc., et al.*, No. 2021-L-0000019 (17th Judicial Cir., Winnebago Cnty., Ill); *Tapia-Rendon v. United Tape & Finishing Co. Inc.*, No. 21-cv-3400, 2023 WL 5228178 (N.D. Ill. Aug. 15, 2023), *reconsideration denied*, No. 21-cv-3400, 2024 WL 406513 (N.D. Ill. Feb. 2, 2024); *Lewis v. Maverick Transp. LLC, et al.*, No. 22-cv-46 (S.D. Ill.).

14. I was also counsel for the State of Texas in its biometric-privacy litigation against Meta Platforms, Inc., which resulted in a recovery of \$1.4 billion for the State. *See Nadia Lathan, Meta agrees to \$1.4B settlement with Texas in privacy lawsuit over facial recognition*, Associated Press (July 30, 2024), <https://apnews.com/article/texas-attorney-general-meta-settlement-3ed4d9c3c3abc4494a3731eac8643e4e>.

### ***Litigation History***

15. Plaintiff filed her complaint on June 24, 2021 and served her first set of written discovery requests on all three then-defendants in August 2021.

16. Plaintiff served her initial disclosures in October 2021.

17. Plaintiff voluntarily dismissed her claims against former defendant Employer Solutions Staffing Group II, LLC in December 2021, after discovery showed that the company had no access to the biometric information collected by the timeclock Plaintiff used.

18. In discovery, Plaintiff served WorkEasy with eight sets of requests for production (totaling 99 requests), 24 interrogatories across three sets, and 114 requests for admission across three sets of requests.

19. WorkEasy produced over 75,000 pages of documents in this litigation.

20. Following repeated conferences between the parties, WorkEasy served 11 sets of supplemental or amended discovery responses.

21. Plaintiff responded to two sets of requests for production from WorkEasy. Those responses included almost 300 pages of responsive documents. Plaintiff also answered one set of interrogatories from WorkEasy, and a set of requests for production and interrogatories from United Tape & Finishing Co., Inc.

22. My co-counsel Tom Kayes and I engaged an expert, David Harding, on Plaintiff's behalf. Mr. Harding provided both class-certification and merits reports.

23. Class Counsel deposed WorkEasy's corporate representative, its CEO, and four other employees. WorkEasy deposed Plaintiff twice and Plaintiff's expert once.

24. In its initial disclosures, WorkEasy stated that it had no potentially applicable insurance coverage.

25. In July 2022, WorkEasy disclosed that it had potentially applicable insurance policies. WorkEasy then produced the policies over the following weeks. Class Counsel then

engaged consulting experts to assist with taking the steps necessary to protect the Class's interest in the policies, including steps uniquely available under Florida law (which were relevant because WorkEasy is headquartered in Florida).

26. After WorkEasy tendered to its insurers, one of them, Wilshire Insurance Company, provided WorkEasy with a defense under a reservation of rights. Two of the insurers, Scottsdale Insurance Company and Hartford Underwriters Insurance Company, initiated declaratory actions against WorkEasy and Plaintiff.

27. In the declaratory action filed by Scottsdale Insurance Company, the parties completed discovery and fully briefed Scottsdale's motion for summary judgment.

28. Without insurance coverage, WorkEasy had extremely limited ability to fund a judgment.

29. To assemble the partial class list used to provide notice, Class Counsel had to subpoena identifying information from WorkEasy's Illinois customers. In total, Class Counsel attempted service on 269 of WorkEasy's customers, and served 236 of them, with many requiring several service attempts. Of the 236 entities served, 191 responded to the subpoenas, and 136 provided class member information.

30. As part of our efforts to obtain responses to the class-notice subpoenas, Class Counsel filed three motions for orders to show cause, which resulted in two contempt orders being entered against 23 entities.

31. After a partial class list was assembled using the subpoena responses, the notice administrator disseminated notice of class certification on or before January 15, 2025.

32. While litigating the case, Class Counsel engaged in periodic settlement discussions with WorkEasy (including settlement conferences with Magistrate Judge Jantz in December 2022 and January 2023, and the October 2025 settlement conference with the Court that led to settlement), and litigating and engaging with WorkEasy's insurers to attempt to enlarge the potential recovery for the class.

33. After the Court ruled on summary judgment and set a trial date, the Court held an in-person settlement conference on October 9, 2025. The conference was attended by Plaintiff, Class Counsel, WorkEasy's counsel, WorkEasy's CEO, and representatives from WorkEasy's insurers.

34. Following the Court's preliminary approval of the parties' settlement, notice was disseminated by the December 30, 2025 deadline.

35. To date, no class member has opted out of or objected to the settlement.

36. Since preliminary approval, Class Counsel has continued to work on the class's behalf, working with the settlement administrator to ensure prompt dissemination of notice and to review the validity of the claims submitted.

***Class Counsel's Fee Request and Lodestar***

37. Plaintiff's engagement agreement with her counsel provides that the attorneys will be paid the greater of their lodestar or 40% of any common fund obtained.

38. Prior to filing, Class Counsel had to identify and investigate the technology used by WorkEasy. Then Class Counsel had to use discovery to determine which of the three defendants could be held liable (United Tape and WorkEasy), and went through full fact and expert discovery on both class certification and the merits.

39. Throughout my representation of Plaintiff, I have tracked and billed time contemporaneously using timekeeping software. As of the drafting of this declaration, I have billed 906.3 hours across this action, the parallel state-court action, and the related insurance-coverage actions. I expect to bill dozens more hours briefing final approval and working with the settlement administrator on administration of the settlement through final approval and through the five years of administration contemplated by the settlement.

40. My standard billing rate is \$945 per hour. This rate reflects my more than 13 years of experience litigating complex class-action and other matters in federal and state courts in Chicago and throughout the country, my firm's overhead, and the opportunity cost of my time. My firm has hourly clients who regularly pay \$945 per hour for my time.

41. Based on my standard hourly rate and my hours billed, my firm's lodestar to date is \$856,453.50.

42. After the Court issued its orders holding certain of WorkEasy's customers in contempt for failure to respond to Plaintiff's subpoenas, five of the contemnors paid the damages ordered by the Court. Together, those payments included \$4,187.36 in attorneys' fees (in addition to costs, detailed below).

***Class Counsel's Expenses***

43. Throughout this litigation, my firm and my co-counsel have advanced expenses needed to secure the recovery for the class. I have personally reviewed the expense records, which were tracked by my co-counsel and my firm through shared case-management software.

44. To date, my firm and my co-counsel have advanced \$223,054.69 in litigation expenses in the course of our representation of the class. Those expenses are broken down by category below:

<b>Cost Category</b>	<b>Expense Amount</b>
Class-certification notice	\$53,404.00
Service of class-notice subpoenas, show-cause motions, show-cause orders, and contempt orders	\$68,585.50
Plaintiff's testifying expert	\$35,400.00
Consulting technology experts	\$7,200.00
Materials for expert review	\$143.60
Consulting experts re: insurance	\$36,351.70
Financial consulting experts	\$1,198.75
Depositions	\$11,644.51
ESI hosing	\$6,018.75
Document-collection fees	\$500.00
Service of process for complaint and discovery subpoenas	\$575.00
Data entry	\$213.85
Filing fees	\$978.70
Paywall-restricted research and publications	\$44.75
Printing, copies, delivery, and postage	\$220.11
Hearing transcripts	\$225.15
Transportation	\$350.32
<b>Total</b>	<b>\$223,054.69</b>

45. As noted above, five contemnors paid damages as ordered by the Court. Those damages payments included \$1,974 in costs. Thus, my firm and my co-counsel have advanced *unreimbursed* costs of \$221,080.69.

46. The costs noted above for Plaintiff's testifying expert *do not* include the costs for his time testifying in his deposition, as those costs were paid by WorkEasy under Rule 26(b)(4)(E).

47. Without the experts they retained, Class Counsel would not have been able to certify the class, fend off WorkEasy's summary-judgment bid, obtain partial summary judgment on the class's behalf, obtain any settlement contribution from WorkEasy's insurers, or obtain the maximum amount of money WorkEasy was able to pay.

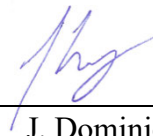
***Plaintiff's Requested Incentive Award***

48. Throughout the case, Plaintiff conferred with Class Counsel, provided information and documentation to prepare the pleadings, reviewed the complaints, answered the defendants' interrogatories, produced relevant documents, sat for two depositions, and engaged in the settlement process, including attending the in-person settlement conference that led to resolution of this case.

49. These efforts from Plaintiff were necessary to secure the recovery.

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

Executed on February 11, 2026, in Chicago, Illinois.



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J. Dominick Larry