

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JEFFREY WORTH AND ROBERT BURNS,
on behalf of themselves and others similarly
situated,

Plaintiffs,

v.

CVS PHARMACY, INC.,

Defendant.

No. 16-cv-00498-MDG

**DECLARATION OF
MAIA KATS IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND MOTION
FOR PAYMENT OF CLASS COUNSEL
FEES, EXPENSES AND PAYMENT OF
INCENTIVE AWARD TO THE CLASS
REPRESENTATIVES**

I, Maia Kats, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am Of Counsel with Kaplan Fox & Kilsheimer LLP (“Kaplan Fox”), a leading national law firm that specializes in complex litigation on behalf of plaintiffs in federal and state courts. Kaplan Fox has offices in New York, San Francisco, and Washington, D.C., and has received numerous accolades for its work. Prior to joining Kaplan Fox in January of 2019, and for the majority of this Action, I was Litigation Director for the Center for Science in the Public Interest, a non-profit dedicated to advancing public health and nutrition. Prior to that, I practiced with Hughes Hubbard & Reed in New York and was a partner with the class action firm of Sprenger & Lang, PLLC. I received a BA and JD from the University of Michigan with various honors, and am a member in good standing of the Bars of the District of Columbia and state of New York. I am Class Counsel in this Action, originated the litigation, appeared regularly before this Court, and participated materially in every mediation session. I have served and continue to serve as lead Class Counsel for the Settlement Class, along with Michael Reese.

2. I am recognized as a leading expert on food law and litigation and speak routinely at roundtables and conferences nationwide, including those organized by Georgetown Law, UCLA Law, Bloomberg Philanthropies, Continuing Legal Education (“CLE”), Food & Drug Law Institute (“FDLI”), American Bar Association (“ABA”), Grocery Manufacturers of America (“GMA”), Practicing Law Institute (“PLI”), Cambridge Forum, and others. I am a member of FDLI’s litigation conference planning committee, and have repeatedly appeared on or had litigations featured in Good Morning America (“GMA”), ABC News, BBC News, the *Washington Post*, the *New York Times*, the *Wall Street Journal*, and various newspapers internationally. I have led successful class actions against numerous top food companies for deceptive marketing, including PepsiCo, Coca-Cola, General Mills, Campbell’s Soup, Jamba

Juice, Kellogg Company, Safeway, and others. Previous to that, I led successful class actions against the Federal Bureau of Investigation, NASA, Viacom, Creative Artists Agency, and numerous others.

3. I respectfully submit this declaration in support of the motion by Jeffrey Worth and Robert Burns for Final Approval of the Class Action Settlement and the accompanying motion for payment of Class Counsel fees and expenses as well as incentive awards. The facts set forth below relating to Kaplan Fox Iodestar are based on personal knowledge, and I could competently testify as to Kaplan Fox Iodestar if requested to do so.

4. The companion Declaration of Michael Reese sets forth the history of the litigation and describes the representation. Class Counsel represented the interests of the Settlement Class throughout the Action with utmost vigor and commitment in order to ensure a meaningful resolution of the Challenged Claims—in the process successfully objecting to a camouflaged reverse auction, in Plaintiffs' opinion, that would have enabled deceptive marketing practices to continue virtually unabated.

5. According to my records, I have devoted more than 75 hours while at Kaplan Fox to representing the Settlement Representatives and Class, including at mediation, with a Iodestar to date of \$65,625. My hourly rate is \$875 per hour. The rate is consistent with those approved by this Court in *Ackerman v. Coca-Cola Co.*, Case No. 09 Civ. 395 (DLI) (RML) (E.D.N.Y), ECF Nos. 171-6 (Declaration of Maia Kats for CSPI), 182 (Order Granting Final Approval and Entering Final Judgment), the Updated Laffey Matrix, *e.g.*, *Smith v. D.C.*, 466 F. Supp. 2d 151, 156 (D.D.C. 2006), and many individual settlements.

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

Dated: September 6, 2019

KAPLAN FOX & KILSHEIMER, LLP

/s/Maia Kats

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