

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GRACE MURRAY, AMANDA ENGEN, :
STEPHEN BAUER, JEANNE TIPPETT, : Case No. 1:19-cv-12608-WGY
ROBIN TUBESING, NIKOLE SIMECEK, :
MICHELLE MCOSKER, JACQUELINE :
GROFF, and HEATHER HALL, on behalf of :
themselves and others similarly situated, :
:
Plaintiffs, :
:
v. :
:

GROCERY DELIVERY E-SERVICES USA
INC. DBA HELLO FRESH

Defendant.

**AFFIDAVIT OF SAMUEL J. STRAUSS IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, Samuel J. Strauss, declare as follows:

1. I make this affidavit in support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement to state my opinion that the settlement represents an excellent result for the Settlement Class and to advise the Court of my adequacy to be appointed as class counsel. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called on to do so.

2. I am a member of the law firm of Turke & Strauss LLP, counsel for Plaintiffs in this matter. I am admitted to practice before this Court and am a member in good standing of the bars of the states of Washington and Wisconsin. I have extensive experience in the prosecution of class actions on behalf of consumers, particularly under the Telephone Consumer Protection Act.

3. Turke & Strauss is a law firm in Madison, Wisconsin that focuses on complex civil and commercial litigation with an emphasis on consumer protection, employment, wage and hour, business, real estate, and debtor-creditor matters.

4. I graduated from the University of Washington School of Law with honors in 2013. As a founding member of Turke & Strauss, I concentrate my practice in complex litigation with an emphasis on consumer and employment issues.

5. I have represented plaintiffs in numerous consumer class actions, including the following:

- *Jones, et al. v. Monsanto Company*—Filed on behalf of individuals who purchased mislabeled RoundUp® products. The case settled on a class-wide basis in 2020 for \$39,550,000, and final approval is pending in the United States District Court for the Western District of Missouri.
- *Hudock, et al. v. LG Electronics U.S.A., Inc., et al.*—Turke & Strauss represents two certified classes of consumers who paid a premium when purchasing televisions due to mislabeled product information. The case is currently on appeal to the United States Court of Appeals for the Eight Circuit.
- *Evans v. American Power & Gas, LLC, et al.*— Filed on behalf of consumers who received automated solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis for \$6,000,000, and final approval was granted in May 2019.
- *Fowler, et al. v. Wells Fargo Bank, N.A.*—Filed on behalf of consumers who were overcharged fees on FHA mortgages. The case settled on a class-wide basis in for \$30,000,000 in 2018, and final approval was granted in January 2019.
- *Ott, et al. v. Mortgage Investors Corporation*—Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis for \$7,483,600, and final approval

was granted in January 2016.

- *Booth, et al. v. AppStack, et al.*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016, and final approval was granted in January 2017.
- *Melito, et al. v. American Eagle Outfitters, Inc., et al.*—Filed on behalf of consumers who received spam text messages on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016 for \$14.5 million. The case is currently on appeal with the United States Court of Appeals for the Second Circuit.
- *Dibb, et al. v. AllianceOne Receivables Management, Inc.*—Filed on behalf of Washington consumers who received unfair and deceptive debt collection notices that included threats of criminal prosecution. The case is settled on a class-wide basis, and final approval was granted in July 2017.
- *Bee, Denning, Inc., et al. v. Capital Alliance Group, et al.*—Filed on behalf of consumers who received junk faxes and automated, prerecorded solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016, and final approval was granted in November 2016.
- *Rinky Dink, et al. v. World Business Lenders, LLC*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones and Washington landlines without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the Washington Automatic Dialing and Announcing Device statute, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 *et seq.* The case settled on a class-wide basis in 2015, and final approval was granted in May 2016.
- *Rinky Dink, et al. v. Electronic Merchant Systems, Inc., et al.*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones and Washington landlines without their prior

express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the Washington Automatic Dialing and Announcing Device statute, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 *et seq.* The case settled on a class-wide basis in 2015, and final approval was granted in April 2016.

- *Newell v. Home Care of Washington, Inc., et al.*—Filed on behalf of more than 400 in-home health care workers who alleged violations of state wage and hour laws. The case settled on a class-wide basis, and final approval was granted in January 2015.

6. In light of the risks inherent in class action litigation, as well as my experience litigating dozens of TCPA action settlements, it is my opinion that the pending settlement is an excellent result for consumers and members of the class. The settlement is well within the range of other TCPA settlements on a dollars-per-class-member basis.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE SIGNED UNDER PENALTY OF PERJURY OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED at Madison, Wisconsin, this 22nd day of November, 2020.

/s/ Samuel J. Strauss, Admitted Pro Hac Vice
Samuel J. Strauss, *Admitted Pro Hac Vice*