

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

GRACE MURRAY, AMANDA ENGEN,  
STEPHEN BAUER, JEANNE TIPPETT,  
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.

Case No. 1:19-cv-12608-WGY

**DECLARATION OF ANTHONY PARONICH IN SUPPORT OF PLAINTIFFS’  
SUPPLEMENTAL MEMORANDUM IN SUPPORT OF FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT AND ATTORNEYS’ FEES**

I, Anthony Paronich, hereby submit this Declaration in support of Plaintiffs’ Supplemental Memorandum for Final Approval of the Class Action Settlement and for Attorneys’ Fees:

1. I am an attorney of record for Plaintiffs in this case and am knowledgeable of the factual allegations and legal arguments in the litigation.

2. I have knowledge of the facts set forth in this declaration. If called as a witness to testify, I could and would be competent to testify to these facts.

**Professional Overview**

3. I am a 2010 graduate of Suffolk Law School. In 2010, I was admitted to the Bar in Massachusetts. Since then, I have been admitted to practice before the Seventh Circuit Court of Appeals, Ninth Circuit Court of Appeals, First Circuit Court of appeals and several federal

district courts. From time to time, I have appeared in other State and Federal District Courts *pro hac vice*. I am in good standing in every court to which I am admitted to practice.

4. I was an associate at Broderick Law, P.C. in Boston, Massachusetts from 2010 through 2016.

5. I was a partner at Broderick & Paronich, P.C. in Boston, Massachusetts from 2016 through 2019.

6. In 2019, I started Paronich Law, P.C., focused on protecting consumers in class action lawsuits.

7. I have been appointed as a class counsel in over 35 TCPA class actions, including the following:

- i. Desai and Charvat v. ADT Security Services, Inc., USDC, N.D. Ill., 11-CV-1925, a TCPA class settlement of \$15,000,000 granted final approval on June 21, 2013.
- ii. Jay Clogg Realty Group, Inc. v. Burger King Corporation, USDC, D. Md., 13-cv-00662, a TCPA class settlement of \$8,500,000 granted final approval on April 15, 2015.
- iii. Charvat v. AEP Energy, Inc., USDC, N.D. Ill., 1:14-cv-03121, a TCPA class settlement of \$6,000,000 granted final approval on September 28, 2015.
- iv. Bull v. US Coachways, Inc., USDC, N.D. Ill., 1:14-cv-05789, a TCPA class settlement finally approved on November 11, 2016 with an agreement for judgment in the amount of \$49,932,375 and an assignment of rights against defendant's insurance carrier.
- v. Smith v. State Farm Mut. Auto. Ins. Co., et. al., USDC, N.D. Ill., 1:13-cv-02018, a TCPA class settlement of \$7,000,000.00 granted final approval on December 8, 2016.
- vi. Mey v. Frontier Communications Corporation, USDC, D. Conn., 3:13-cv-1191-MPS, a TCPA class settlement of \$11,000,000 granted final approval on June 2, 2017.
- vii. Heidarpour v. Central Payment Co., USDC, M.D. Ga., 15-cv-139, a TCPA class settlement of \$6,500,000 granted final approval on May 4, 2017.
- viii. Abante Rooter and Plumbing, Inc. v. Birch Communications, Inc., USDC, N.D.

Ga., 1:15-CV-03562-AT, a TCPA class settlement of \$12,000,000 granted final approval on December 14, 2017.

- ix. Abante Rooter and Plumbing, Inc. v. Pivotal Payments, Inc., USDC, N.D. Ca., 3:16-cv-05486-JCS, a TCPA class settlement of \$9,000,000 granted final approval on October 15, 2018.
- x. In re Monitronics International, Inc., USDC, N.D.W. Va., 1:13-md-02493-JPB-JES, a TCPA class settlement of \$28,000,000 granted final approval on June 12, 2018.
- xi. Charvat v. Carnival Corporation & PLC, et. al., USDC, ND. Ill., 1:13-cv-00042, a TCPA class settlement of \$12,500,000 granted final approval in April of 2020.
- xii. Loftus v. Sunrun, Inc., USDC, N.D. Ca., 3:19-cv-1608, a TCPA class settlement of \$5,500,000 granted final approval on May 11, 2021.

### **Work Performed by Class Counsel**

8. As a result of my firm's and co-counsel firms' experience litigating TCPA and other class action cases, we were able to effectively handle this action and achieve a significant result for the Settlement Class.

9. In addition to conducting an investigation before asserting the claims in this case, Class Counsel (1) drafted the initial Minnesota class action Complaint, the Amended Complaint, the Massachusetts Complaint, and the New York Complaint; (2) drafted a comprehensive set of discovery requests to HelloFresh; (3) met and conferred with Defendants during the course of discovery over several discovery disputes; (4) briefed and filed a motion to compel discovery; (5) served six third-party subpoenas; (5) reviewed over 20,000 pages of documents and extensive class data produced by Defendant and third parties; (6) forensically collected the computer hard drive and documents of Plaintiff Engen; (7) collected the documents of Plaintiffs Bauer, Groff, Hall, McOsker, Murray, Simecek, Tippet, and Tubesing; (7) responded to HelloFresh's document requests and produced plaintiff documents; (8) responded to HelloFresh's requests for

admission and interrogatories; (9) briefed the opposition to Defendant's motion to compel arbitration in federal district court in Minnesota; (10) appeared for an in-person hearing to argue the opposition to Defendant's motion to compel arbitration in federal district court in Minnesota; (11) briefed the opposition to Defendant's motion to compel arbitration in federal district court in Massachusetts; (12) appeared in person for the virtual hearing to argue the opposition to Defendant's motion to compel arbitration in federal district court in Massachusetts; (13) briefed the opposition to Defendant's motion to stay district court proceedings in Minnesota pending HelloFresh's appeal of the arbitration decision; (14) briefed the opposition to Defendant's motion to stay district court proceedings in Massachusetts pending HelloFresh's appeal of arbitration decision; (15) began drafting an opposition to HelloFresh's Eighth Circuit appeal of the arbitration decision; (16) began drafting an opposition to HelloFresh's First Circuit appeal of the arbitration decision; (17) prepared and noticed the deposition of HelloFresh's corporate representative on 44 topics; (18) served third-party discovery on the Better Business Bureau; (19) engaged multiple experts on relevant trial issues; (20) prepared a mediation brief; (21) engaged in a JAMS mediation before the Hon. Judge George King (Ret.); and (22) consulted with the Class Representatives throughout the course of the case.

10. In addition, Class Counsel has undertaken considerable work in connection with the Settlement and Settlement Administration. This has included (1) assisting in the drafting the Settlement Agreement and exhibits thereto; (2) preparing Plaintiff's Preliminary Approval papers; (3) reviewing the bids received from settlement administrator vendors; (4) selecting the competitive bid from the Settlement Administrator (KCC); (5) reviewing the final drafts of the Settlement Notice prepared by the Settlement Administrator, and ensuring that they were timely mailed and e-mailed; (6) working with the Settlement Administrator to create a settlement website and telephone support line for Settlement Class Members; (7) communicating with

Settlement Class Members; (8) preparing the Final Approval Motion; (9) preparing the Motion for Service Awards, Expenses, and Attorneys' Fees; (10) attending the Final Approval Hearing; and (11) preparing this supplemental brief supporting final approval.

11. Class Counsel's work on this matter remains ongoing. Prior to the Final Fairness Hearing, Class Counsel responded to the objections, including that of Sarah McDonald. Class Counsel also sought discovery of objector McDonald to determine motive, credibility, and whether her interests aligned with those of the Settlement Class.

12. If final approval is granted, Class Counsel will supervise the distribution of payments to Settlement Class Members. In addition, Class Counsel will respond to questions from Settlement Class Members and take other actions necessary to support the Settlement until the conclusion of the Settlement Period. Class Counsel will brief and argue any appeals in this case.

13. The work summarized above required the efforts of numerous attorneys and professional staff at Class Counsel's firms. My firm's practice is to keep contemporaneous records and to regularly record time records in the normal course of business, and we kept time records in this case consistent with that practice. Moreover, my firm's practice is to bill in 6-minute (tenth-of-an-hour) increments. The firm's billing records are lengthy but can be provided for in camera review, if the Court deems it necessary, but the firm has not done so here where it appears that such supporting documentation has not historically been required by this Court. *See, e.g. Moitoso*, 18-cv-12122-WGY, Doc. Nos. 254, 254-2, 271 (D. Mass.); *In re Relafen Antitrust Litig.*, 01-cv-12239-WGY, Doc. Nos. 295, 457 (D. Mass.).

14. My firm expended 561.7 hours in the various HelloFresh litigations. My billing rate is \$550.00, which is consistent with what I've had approved in other Massachusetts jurisdictions in TCPA cases. *See Davila-Lynch v. HOSOPO Corporation*, Civil Action No. 1:18-

cv-10072-FDS (D. MA) (Saylor, J.); *Hopkins v. Modernize, Inc.*, Civil Action No. 4:17-cv-40087 (D. MA) (Hillman, J.). This amounts to a total lodestar of \$308,935.

15. All of the work of Class Counsel has been undertaken on a contingent basis. To date, Class Counsel have not been compensated for any of this work.

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

Executed this 31<sup>st</sup> day of May, 2021, at Plymouth, Massachusetts.

/s/ Anthony I. Paronich  
ANTHONY PARONICH