

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROSE CLARKSON, JUNE MACK, VALERIE
HICKS, CARRIE DEVERS, THERESA
CULVER, AMY CAPODICI, GEORGEANN
ROBERTS, and PAMELA SILVER, individually
and on behalf of those similarly situated,

Plaintiffs,

v.

ONSITE MAMMOGRAPHY, LLC d/b/a
ONSITE WOMEN'S HEALTH,

Defendant.

Case No. 3:25-cv-11123-MGM

CLASS ACTION

**DECLARATION OF MARC H. EDELSON IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

I declare under penalty of perjury hereby as follows:

1. I, Marc H. Edelson of Edelson Lechtzin LLP, appointed Interim Co-Lead Class Counsel and proposed Class Counsel in this action, hereby submit this Declaration in connection with Plaintiffs' Motion for Award of Attorneys' Fees, Costs, and Service Awards.

2. A true and correct copy of the executed Settlement Agreement ("Agr.") and all related exhibits was filed on March 6, 2026, at ECF No. 37.

Initial Investigation and Litigation

3. Plaintiffs' investigation shows that during October 2024 cybercriminals potentially unlawfully accessed information stored on Defendant's computer systems (the "Data Incident"). At the time of the incident, it held and stored certain highly sensitive Private Information of Plaintiffs and putative Class Members, who are patients of Defendant, *i.e.*, individuals who provided their highly sensitive and private information in exchange for healthcare services. The information compromised in the Data Incident was reported to include names,

addresses, Social Security numbers, driver's license numbers, financial information, and health insurance information.

4. This Action was initiated because of the Data Incident, and in connection with Defendant's alleged failure to safeguard the Private Information of the Settlement Class.

5. Defendant denies all liability and wrongdoing.

6. After cases were filed related to the Data Incident, the Plaintiffs filed an unopposed Motion to Consolidate Cases. ECF No. 10. The Plaintiffs then moved to appoint Interim Co-Lead Class Counsel consisting of Jonathan Mann, Elena Belov and me. ECF No 18.

7. The court consolidated the pending cases on June 16, 2025. ECF No. 13.

8. The Court granted the Motion to Appoint Interim Class Counsel on August 6, 2025. ECF No. 23.

9. On September 4, 2025, Plaintiffs filed their Consolidated Class Action Complaint. ECF No. 30.

10. On January 5, 2026, the Parties filed a Joint Motion to Stay the case pending the outcome of mediation. ECF No. 33.

11. The Court granted the stay on January 6, 2026. ECF No. 34.

12. The Court withdrew the Settlement Order of Dismissal and ordered the Plaintiffs to file their Motin for Preliminary approval on or before March 3, 2026. ECF No. 34.

13. Plaintiffs filed for Preliminary Approval of Class Action Settlement on March 6, 2026. ECF No. 36.

Settlement, Preliminary Approval, and Administration

14. The Settlement is a result of protracted arm's-length negotiations.

15. Prior to mediation, the Parties exchanged informal discovery and fully briefed

relevant legal issues, allowing each side to evaluate the strengths and weaknesses of the case.

16. On December 18, 2025, after a full day of contested arm's-length negotiations before experienced class action mediator Hon. David E. Jones (ret.), Plaintiffs and Defendant were able to come to a consensus on the central terms of the Settlement Agreement.

17. Over the next few weeks, the Parties worked to negotiate the finer points of the agreement, draft exhibits and proposed notices, and come to an agreement on a proposed Claims Administrator.

18. The Settlement provides for a non-reversionary common fund of Two Million Five Hundred Twenty-Five Thousand Dollars (\$2,525,000.00).

19. The Settlement provides that Plaintiffs can seek an attorneys' fees award not to exceed one-third of the Settlement Fund (\$841,667.00) and reimbursement of reasonable out-of-pocket expenses up to Thirty Thousand Dollars (\$30,000.00). Agr. ¶ 11.2.

20. The Agreement also calls for a reasonable Service Award for each of the Class Representatives of \$3,500.00 each, meant to compensate them for their efforts on the Settlement Class's behalf, including serving as named Plaintiffs, assisting in the Action's investigation, maintaining contact with Class Counsel, reviewing case documents, being prepared to assist with discovery, and answering Class Counsel's many questions. Agr. ¶ 4.5.

21. Plaintiffs have demonstrated that they are well-suited to represent the Settlement Class. They (i) have a genuine personal interest in the outcome of the case; (ii) selected well-qualified proposed Class Counsel; (iii) produced information and documents to proposed Class Counsel to permit investigation and development of the complaints; (iv) reviewed and approved pleadings; (v) have been available as needed throughout the litigation and settlement negotiations; (vi) reviewed and approved settlement documents; and (vii) have monitored the case.

The Plaintiffs, like all Settlement Class Members, have been victims of the Data Incident, and thus have common interests with the Settlement Class. Moreover, they have ably represented the Settlement Class by maintaining contact with proposed Class Counsel, assisting in the investigation of the case, reviewing the material terms of the Settlement Agreement, remaining available for consultation throughout the settlement negotiations, and answering proposed Class Counsel's many questions.

22. Class Counsel prepared and filed the Motion for Preliminary Approval and supporting declaration, which was granted on April 13, 2026. ECF No. 39.

23. Thereafter, Class Counsel has worked with Defendant and the Claims Administrator to implement the Notice Program and perform the Claims Administration.

24. As of June 29, 2026, the Claims Administrator reports that thirteen (13) individuals have requested exclusion, and zero have objected.

25. Plaintiffs and Settlement Class Counsel believe that the claims asserted in this case have merit. We acknowledge, however, the expense and length of continued proceedings necessary to prosecute the Litigation against Defendant through motion practice, trial, and potential appeals. We are aware that should litigation continue, we will face several strong legal defenses and difficulties in demonstrating causation and injury that could decrease or eliminate potential recovery. Moreover, if the case did not settle, Plaintiffs would also need to prevail on a class-wide basis after a motion to dismiss, motion for summary judgment, and/or *Daubert* motions on damages methodologies, among other motions and potential appeals. This would likely require the Parties to engage in extensive pre-trial motion practice followed by complex and technical discovery, utilizing experts, which depletes resources from both Parties, as well as this Court. I have also taken into account the uncertain outcome and risk of further litigation, as well as the

difficulties and delays inherent in such litigation.

26. Class Counsel have many years of combined experience as class action litigators, including data breach litigation, and are well suited to advocate for the Settlement Class. *See* Firm Resumes at Exs. 1–3 to Plaintiffs’ Motion to Appoint Class Counsel, ECF No. 19.

27. It is my belief, and the belief of my co-counsel based on our extensive experience generally and investigation and research into this case in particular, that the Settlement is fair, reasonable, and adequate, and in the best interests of the Settlement Class. In negotiating the amounts to be paid under the Settlement, Plaintiffs’ Counsel relied upon published reports documenting data breach and identity theft costs, actual costs incurred by Class Members (as relayed in conversations with Plaintiffs’ Counsel), their own experience in other data incident litigation, and reported settlements in other data incident class actions. The collective experience of me and my colleagues with experience on similar types of privacy and data protection practices provided substantive knowledge on the subject to enable us to represent Plaintiffs’ and Settlement Class Members’ interests without expending hundreds of hours and substantial financial resources to come up to speed on the subject area or engaging in formal discovery. Plaintiffs have been kept abreast of litigation progress, Settlement negotiations, have reviewed the Settlement Agreement and support the Settlement. Plaintiffs and proposed Class Counsel strongly believe the Settlement is favorable to the Settlement Class.

Attorneys’ Fees, Costs, and Service Awards

28. Plaintiffs here seek an award of attorneys’ fees in the amount of \$841,667.00, reimbursement of reasonable litigation costs in the amount of \$9,550.99, and Service Awards in the amount of \$3,500 for each Representative Plaintiff.

29. Class Counsel have vigorously pursued the Settlement Class’s interests in

securing a Settlement bringing immediate, valuable benefits, while avoiding the risks of continued litigation. To do so, Class Counsel relied on their experience in data breach litigation, their detailed investigation of this particular Action, and informal discovery exchanged in connection with settlement negotiations.

30. Class Counsel have not been paid for their extensive efforts in securing the Settlement for the Settlement Class, or reimbursed for litigation costs advanced or incurred. Class Counsel took this case on a contingency basis unaware if they would get paid for their attorneys' fees or costs advanced. Class Counsel assumed the risk of this engagement and worked diligently and efficiently to obtain a substantial result.

31. The retention agreements with Plaintiffs in this Action were contingent fee agreements. No payment of attorneys' fees would occur in this case but for an attorneys' fee award in an individual or class settlement. Class Counsel took on this case with no guarantee they would receive any compensation for their work, which occupied significant resources at Class Counsel's respective firms even before this Action was filed. There was a risk of nonpayment or underpayment for Class Counsel's time, with Class Counsel foregoing the opportunity to work on other fee-generating cases, all at the substantial risk it would yield no (or very little) recovery and leave them uncompensated for their time and out-of-pocket costs.

32. Class Counsel remains completely uncompensated for the time invested in the Action, in addition to the substantial costs they have advanced. Public policy concerns—ensuring the continued availability of experienced and capable counsel to represent classes of injured plaintiffs holding small individual claims—also support the requested fee. This practice encourages attorneys to assume this risk and allows plaintiffs who would otherwise not be able to hire an attorney to obtain competent counsel.

33. Considering Defendant has compelling defenses, continuing to pursue this Action posed a significant risk for Plaintiffs and the Settlement Class, and makes litigating data breach cases less desirable in general. Moreover, Defendant is represented by experienced counsel who are highly-competent adversaries from a well-respected law firm.

34. Class Counsel's coordinated work paid dividends for the Settlement Class. Each of the above-described efforts was essential to achieving the Settlement. Class Counsel's time and resources devoted to prosecuting and settling this Action justify the requested attorneys' fee.

35. Prosecuting and settling these claims demanded considerable time and labor, making this attorneys' fee request reasonable. Class Counsel's organization ensured the work was coordinated to maximize efficiency and minimize duplication of effort. Substantial time and resources were also dedicated to investigating the facts and interviewing potential plaintiffs, researching and developing the legal claims at issue, exchanging informal discovery, consolidating and organizing the Related Actions, consulting with liability and damage experts, and preparing for and attending mediation. Significant time was then devoted to negotiating and drafting that Agreement, the Preliminary Approval process, and to all actions required thereafter pursuant to the Preliminary Approval Order. Class Counsel has spent substantial time leading up to the filing of this Motion for Final Approval, addressing the Notice Program and Claim Process, and preparing the Motion for Final Approval. Time will also be spent preparing for and attending the Final Approval Hearing. Finally, Class Counsel will devote substantial time to Settlement Administration, should Final Approval be granted, to ensure Valid Claims are paid and the Settlement is fully implemented. Each of those efforts is and was essential to achieving the Settlement. Should the Court require additional information concerning Class Counsel's lodestar,

it will be provided for in camera inspection.

36. Plaintiffs' Counsel here has worked 714.81 hours on this case, incurring a lodestar of \$678,241.02. This time includes investigating and drafting the initial complaints in the related actions; consolidating the actions; drafting the Motion to Appoint Interim Class Counsel; drafting the Consolidated Amended Complaint; drafting and conducting informal discovery; drafting a detailed mediation statement; preparing for and attending mediation; negotiating a complex Settlement Agreement, including the Notices and Claim Form; successfully moving for Preliminary Approval; and working in concert with the Claims Administrator to implement and monitor the Notice Program and Claims Process.

37. The lodestar reported by each firm is broken down as follows:

Pittman, Dutton, Hellum, Bradley & Mann, P.C.

Senior Partner (SP) Partner (P) Associate (A) Paralegal (PL):

Biller	Position	Rate	Hours	Total
Jon Mann	SP	\$900	107.40	\$96,660
Austin Whitten	P	\$750	18.2	\$13,650
Peyton Clark	A	\$450	9.0	\$4,050
Rebecca Hicks	PL	\$250	10.5	\$2,625
TOTAL			145.1	\$116,985

Almeida Law Group

Biller	Position	Rate	Hours	Total
David Almeida	SP	\$1141/hr	.60	\$684.60
Elena Belov	P	\$902/hr	114.26	\$103,062.52
Luke Coughlin	A	\$473/hr	15.80	\$7,473.40
Emily Anderson	PL	\$277/hr	17.20	\$4,764.40
TOTAL			147.86	\$115,984.92

Edelson Lechtzin LLP

Biller	Position	Rate	Hours	Total
Marc Edelson	SP	\$1,300.00	50.1	\$65,130.00
Liberato P. Verderame	A	\$1,050.00	57.8	\$60,690.00
TOTAL			107.9	\$125,820.00

Kopelowitz Ostrow P.A.

Biller	Position	Rate	Hours	Total
Jeff Ostrow	SP	\$1,100	6.50	\$7,150.00
Courtney Maccarone	P	\$900	12.30	\$11,070.00
TOTAL			18.80	\$18,220.00

EKSM

Biller	Position	Rate	Hours	Total
Leigh S. Montgomery	P	\$950.00	33.4	\$31,730.00
Josh Sanford	P	\$1000.00	10.3	\$10,300.00
Jarrett Ellzey	P	\$1000.00	7.5	\$7,500.00
Steve Rauls	A	\$600.00	15.4	\$9,240.00
Sean Short	A	\$650.00	3.5	\$2,275.00
Kathryn Orms	PL	\$225.00	2.5	\$562.50
Alice Newlin	PL	\$260.00	5.8	\$1,508.00
Raya Jacob	PL	\$225.00	10.5	\$2,362.50
TOTAL			88.9	\$65,478.00

Bailey Glasser

Biller	Position	Rate	Hours	Total
John J. Roddy	P	\$1,430	20.1	\$28,743
Bart D. Cohen	Of Counsel	\$1, 430	20.2	\$28,886
Mary E. McClay	PL	\$460	9.3	\$4,278
Gabriel R. Dos Santos	PL	\$460	5.1	\$2,346
TOTAL			44.7	\$64,253

Levin Fishbein & Sedran

Biller	Position	Rate	Hours	Total
Charles E. Schaffer	SP	\$1025	28.80	\$29,520.00
Caroline Bojarski	A	\$600	2.70	\$1,620.00
Ruby Summers	PL	\$475	1.00	\$475.00
TOTAL			32.50	\$31,615.00

Goldenberg Schneider, LPA

Biller	Position	Rate	Hours	Total
Jeffrey Goldenberg	Partner	\$950	13.3	\$12,635.00
Todd Naylor	Partner	\$900	1.6	\$1,440.00
Robert Sherwood	Partner	\$850	2.5	\$2,125.00
Stephanie Vaaler	Paralegal	\$250	5.7	\$997.50
Cheryl Pence	Legal Asst.	\$175	7.1	\$1,775.00
TOTAL			30.2	\$18,972.50

Levy Korsinsky, LLP

Biller	Position	Rate	Hours	Total
Mark Reich	P	\$1,300	2.6	\$3,380.00
Courtney Maccorone	P	\$850	2.1	\$1,785.00
Melissa Meyer	A	\$750	24.7	\$18,525.00
Amanda Herda	PL	\$425	5.7	\$2,422.50
Gary Ishimoto	A	\$625	0.4	\$250
Jennifer Mittasch	A	\$475	2.9	\$1,377.50
Will Scerpella	A	\$500	2	\$1,000.00
Geana Drummond	PL	\$425	5.1	\$2,167.50
Tyler Litke	A	\$675	0.5	\$337.50
TOTAL			46	\$ 31,245.00

Milberg

Biller	Position	Rate	Hours	Total
David Lietz	SP	\$1227	17.9	\$ 21,963.30
Gary Klinger	SP	\$1019	12.0	\$ 12,228.00
Heather Lopez	A	\$508	6.2	\$ 3,149.60
Ashley Tyrell	PL	\$277	3.1	\$ 858.70
Heather Sheflin	PL	\$277	2.7	\$ 747.90
Sandra Passanisi	PL	\$277	1.0	\$ 277.00
Kendal McLaughlin	PL	\$277	0.3	\$ 83.10
Kerry Brennan	PL	\$277	0.2	\$ 55.40
TOTAL			44.7	\$ 39,723.10

SHAMIS & GENTILE, P.A.

Billor	Position	Rate	Hours	Total
Leanna Loginov	P	\$900	16.25	\$14,625.00
Tonyia Johnson	A	\$750	2	\$1,500.00
Catherine Rosario	PL	\$250	3.5	\$875.00
TOTAL			21.75	\$17,000.00

Siri Glimstad, LLP

Billor	Position	Rate	Hours	Total
Tyler Bean	P	\$905	3.3	\$2,986.50
Christina Xenides	P	\$1,020	3.1	\$3,162.00
Tanner Hilton	A	\$625	0.1	\$62.50
Alcira Pena	PL	\$325	19.4	\$6,305.00
Cherie Cornfield	PL	\$280	5.2	\$1,456.00
TOTAL			31.1	\$ 13,972.00

38. These hourly rates are within the range of hourly rates that have been approved by courts in the First Circuit and across the United States for legal services in class actions of a similar nature, considering the type of matter, level of experience, training, and education.

39. Currently, if approved by the Court, the one-third of the Settlement Fund requested results in a multiplier of approximately 1.24. Plaintiffs' Counsel expects to spend additional time preparing the Motion for Final Approval, preparing for and appearing at the Final Approval Hearing, overseeing the final weeks of the Notice Program and Claims Process, and handling all post-Settlement approval issues. Given prior experience, I estimate Plaintiffs' Counsel will spend an additional 25 to 50 hours bringing this case to close.

40. Additionally, Class Counsel have incurred \$9,550.99 in litigation costs, comprised of actual out-of-pocket costs that Class Counsel and other Plaintiffs' counsel reasonably and necessarily incurred and paid in connection with the prosecution of the Action and the Settlement, including filing fees, service of process fees, *pro hac vice* applications, mediation fees, and travel expenses.

41. Due to the early stage of litigation at which Plaintiffs were able to reach settlement, the litigation costs are relatively low. A summary of the costs as reported by each form

is below:

Pittman, Dutton, Hellum, Bradley & Mann, P.C.

Expense	Cost
Filing, service and PHV fees	\$787.70
TOTAL	\$787.70

Almeida Law Group

Expense	Cost
Filing Fees	\$ 655.00
Mediation	\$ 2,981.85
TOTAL	\$ 3,636.85

Edelson Lechtzin LLP

Expense	Cost
Postage	\$115.67
Filing Fees	\$1185.00
Research	\$98.10
TOTAL	\$1,425.67

Kopelowitz Ostrow P.A.

Expense	Cost
Filing fee	\$405
TOTAL	\$405

EKSM

Expense	Cost
Filing fee	\$405
TOTAL	\$405

Bailey Glasser

Expense	Cost
Court Fees	\$447.76
Online research	\$44.23
TOTAL	\$491.99

Levin Fishbein & Sedran

Expense	Cost
Pacer/Westlaw	\$2.20
TOTAL	\$2.20

Goldenberg Schneider, LPA

Expense	Cost
Court fees (Jeff Goldenberg PHV fee)	\$125.00
Online Research (Pacer)	\$23.70
Total	\$148.70

Levy Korsinsky, LLC

Expense	Cost
Filing Fees	\$530.00
Service	\$120.00
Research	\$1.78
Total	\$651.78

Milberg

Expense	Cost
Court filing and ECF fees (2 cases)	\$813.90
Service (2 cases)	\$383.50
Total	\$1,197.40

SHAMIS & GENTILE, P.A.

Expense	Cost
Pro Hac Vice Fee	\$125.00
TOTAL	\$125.00

Goldenberg Schneider, LPA

Expense	Cost
Court fees (Jeff Goldenberg PHV fee)	\$125.00
Online Research (Pacer)	\$23.70
TOTAL	\$148.70

Siri Glimstad

Expense	Cost
Pro Hac Vice Fee	\$125.00

TOTAL	\$125.00
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42. Plaintiffs seek Service Awards of \$3,500.00 each. The Service Awards compensate them for their efforts on behalf of the Settlement Class, including maintaining regular contact with counsel, assisting in the investigation of the Litigation by producing relevant documents and participating in interviews, reviewing the pleadings, being prepared to assist with discovery, remaining available for consultation throughout settlement negotiations, answering counsel's many questions, and reviewing the Settlement Agreement.

I declare that this has been signed under penalty of perjury of the United States of America that the foregoing is true and correct.

Executed on June 29, 2026 in Newtown, Pennsylvania.

Respectfully submitted,

/s/ Marc Edelson

Marc H. Edelson*

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Attorneys for Plaintiffs and the Class

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