

IN THE CIRCUIT COURT  
TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

ERIN SMID, STACY BOWLAND and )  
BRANDIE LEE, *individually and on behalf of* )  
*all others similarly situated,* )

Plaintiffs, )

v. )

Case No. 20L0190

NUTRANEXT, LLC, NUTRANEXT )  
BUSINESS, LLC, NUTRANEXT EHEALTH, )  
LLC, RAINBOW LIGHT NUTRITIONAL )  
SYSTEMS, LLC, RENEW LIFE )  
FORMULAS, LLC, EVEREST NEOCELL )  
LLC, NUTRANEXT DIRECT, LLC, and )  
NATURE'S PRODUCTS, INC., )

Defendants. )

---

**DECLARATION OF GARY M. KLINGER IN SUPPORT  
OF PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

I, Gary M. Klinger, being competent to testify, make the following declaration based on my personal knowledge, and where stated, upon information and belief. I declare:

1. I am currently a partner in the law firm Mason Lietz & Klinger LLP, which was founded on March 16, 2020. Prior to founding Mason Lietz & Klinger LLP, I was a partner in the law firm Kozonis & Klinger, Ltd. I am one of the lead attorneys for Plaintiff and the proposed Class in this matter. I submit this declaration in support of Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so.

2. Prior to forming my current firm, I worked as an attorney at several prestigious national law firms including, Schiff Hardin, LLP, Riley Safer Holmes & Cancila LLP, and Cozen

O'Connor P.C., where I focused on complex and class action litigation involving consumer, privacy and product liability matters.

3. At my current law firm, I concentrate on class action litigation on behalf of consumers. In particular, I focus on consumer and privacy class actions involving wide-ranging theories such as consumer fraud, breach of contract and breach of common and statutory privacy laws.

4. Throughout my legal career, I have resolved dozens of class action cases involving consumer and privacy statutes in state and federal courts across the country. Some representative cases include the following: *Smith v. State Farm Mut. Auto. Ins. Co.*, No. 1:13-cv-2018 (N.D. Ill.); *Jochan v. State Farm Mut. Auto. Ins. Co.*, No. 1:15-cv-04326 (N.D. Ill.) (Leinenweber, J.); *Burk v. State Farm Fire & Cas. Co.*, No. 14-cv-02642-PHX-GMS (D. Ariz.); *Aguilar v. State Farm Mut. Auto. Ins. Co.*, No. 16-cv-01211 (C.D. Ill.); *Kim v. State Farm Mut. Auto. Ins. Co.*, No. 2015-CH-08655 (Cook Cty. Ill. Cir. Ct.); *Sweis v. State Farm Mut. Auto. Ins. Co.*, No. 2015-CH-18757 (Cook Cty. Ill. Cir. Ct.); *Ghose Inc. v. 7 Eleven, Inc.*, No. 2012-CH-04114 (Cook Cty. Ill. Cir. Ct.); *Schumacher v. State Auto. Ins. Co.*, No. 13-cv-00232 (S.D. Ohio); *Block v. Lifeway Foods, Inc.*, No. 17-cv-01717 (N.D. Ill.); *Chavez v. Church & Dwight Co., Inc.*, No. 17-cv-01948 (N.D. Ill.); *Craftwood Lumber Co. v. CMT USA, Inc.*, No. 14-cv-06864 (N.D. Ill.); *LaBrier v. State Farm Fire & Cas. Co.*, No. 15-cv-04093 (W.D. Mo.); *Dennington v. State Farm Fire & Cas. Co.*, No. 14-cv-04001 (W.D. Ark.); *Selby v. State Farm Mut. Auto. Ins. Co.*, No. 2010-CH-43684 (Cook Cty. Ill. Cir. Ct.); *O'Sullivan v. iSpring Water Sys., LLC*, No. 17-cv-2237 (N.D. Ga.); *In re Auto Body Shop Antitrust Litig.*, No. 14-md-02557 (M.D. Fla.); *Pine v. A Place for Mom, Inc.*, No. 2:17-cv-01826 (W.D. Wash.); *Karpilovsky v. All Web Leads, Inc.*, No. 1:17-cv-01307 (N.D. Ill. 2017); *Accardi v. Hartford Underwrites Ins. Co.*, No. 18-cvs-2162 (N.C. Bus. Ct.); *Burk v. Direct Energy, LP*, No. 4:19-cv-663 (S.D. Tex.); *Bellenger v. Accounts Receivable Mgmt., Inc.*, No. 19-cv-60205 (S.D. Fla.); *Drake v. Mirand Response Sys., Inc.*, No. 1:19-CV-1458-RLY-DML (S.D. Ind.); *Fry v. Gen. Revenue Corp.*, No. 19-cv-172 (S.D. Ohio); *Poole v. Benjamin Moore*, No. 18-cv-05168 (W.D. Wash.); *Thomas v. Fin. Corp. of America*, No. 3:19-cv-00152 (N.D. Tex.); *Bonoan v. Adobe Inc.*,

No. 3:19-cv-01068 (N.D. Cal.); *Musto v. American Express Co.*, No. 19-cv-01782 (S.D. N.Y.); *Palmer v. KCI USA, Inc.*, No. 19-cv-3084 (D. Neb.).

5. I have been appointed by state and federal courts to act as Class Counsel for millions of consumers and recovered tens of millions of dollars for consumers throughout the country. Presently, I am lead or co-lead counsel in more than thirty (30) active class action lawsuits pending in state and federal courts across the country.

6. In addition to concentrating my practice on class action litigation involving consumer, privacy, and product liability matters, I also make substantial efforts to stay apprised of the current law on these issues. In recent years, I have attended various legal training seminars and conferences such as the dri™ conference for Class Actions, The Consumer Rights Litigation Conference and Class Action Symposium, as well as attended various seminars offered by Strafford on class action issues. I am also a member of the International Association of Privacy Professionals.

7. I graduated from the University of Illinois at Urbana-Champaign in 2007 (B.A. Economics), and from the University of Illinois College of Law in 2010 (J.D., *cum laude*). While at the U of I College of Law, I was a member of, and ultimately appointed as the Executive Editor for, the Illinois Business Law Journal. My published work includes: *The U.S. Financial Crisis: Is Legislative Action the Right Approach?* Ill. Bus. L. J. (Mar. 2, 2009).

8. I became licensed to practice law in the State of Illinois in 2010, and am a member of the Trial Bar for the Northern District of Illinois as well as the U.S. Bankruptcy Court for the Northern District of Illinois. Additionally, I am admitted to practice in federal courts across the country, including, but not limited to, the U.S. District Courts for the District of Colorado, the Central District of Illinois, the Northern District of Illinois, Northern District of Indiana, Southern District of Indiana, Eastern District of Michigan and the Eastern District of Texas.

9. My years of experience representing individuals in complex class actions contributed to an awareness Plaintiffs' settlement leverage, as well as the needs of Plaintiffs and the proposed Class. I believe that our clients would ultimately prevail in the litigation on a class-wide basis. However, I am also aware that a successful outcome is uncertain and would be

achieved, if at all, only after prolonged, arduous litigation with the attendant risk of drawn out appeals. It is my individual opinion, and that of the other Class Counsel, based on our substantial experience, the settlement provides significant relief to the Members of the Class and warrants the Court's preliminary approval.

10. Despite the early stage at which this case settled, Settlement Class Counsel expended significant hours in preparing and negotiating the claims. They conducted a pre-suit investigation, engaged in substantial informal discovery and pre-suit negotiations, participated in an all-day mediation in Chicago with Hon. Wayne R. Andersen of JAMS, preceded by detailed briefing, and spent weeks thereafter negotiating and finalizing the settlement and ancillary papers.

11. Since the inception of this case, both my old and present firm have litigated vigorously on behalf of the class, expending substantial resources.

12. Prior to my co-founding Mason Lietz & Klinger LLP, Kozonis & Klinger, Ltd. expended a total of \$14,028.29 in costs and expenses in prosecuting this action, for items including mediation fees, travel for mediation, and legal research charges for services such as Pacer and WestLaw pertaining to this case.

13. In my view, the proposed Settlement is fair and reasonable, and in the best interest of the Class Members. Additionally, neither the U.S. Attorney General nor any state attorney general has yet contacted my office or otherwise objected to the proposed fee award, and we have received no objection to the Settlement by any Class Member to date.

14. Class Counsel's requested fees in this case are reasonable in light of the percent of common fund/common benefit method of calculating fees.

15. Moreover, the fees requested are consistent with the terms outlined in my firm's representation agreements for cases in this Circuit, including for this case, and elsewhere, which generally fall within the one-third to 40% range.

16. Finally, I believe the proposed incentive awards to Plaintiffs are fair and reasonable. In addition to lending their names to this matter, and thus subjecting themselves to public attention, Plaintiffs were actively engaged in this Action. Among other things, they (1) provided information to Class Counsel for the complaint and other pleadings; (2) reviewed pleadings and other

documents, including the complaint; (3) communicated on a regular basis with counsel and kept himself informed of progress in the litigation and settlement negotiations; and (4) reviewed and approved the proposed settlement.

\* \* \*

I declare under penalty of perjury of the laws of Illinois and the United States that the foregoing is true and correct, and that this declaration was executed in Chicago, Illinois on June 15, 2020.

/s/ Gary M. Klinger  
Gary M. Klinger