

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PRESTON KYLES, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

PAPA JOHN'S INTERNATIONAL, INC.,

Defendant.

Case No. 1:20-cv-07146

Judge: Hon. John Robert Blakey

**DECLARATION OF J. DOMINICK LARRY
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, EXPENSES, AND INCENTIVE AWARD**

Pursuant to 28 U.S.C. § 1746, I, J. Dominick Larry, hereby declare and state as follows:

1. I am an attorney admitted to practice in the State of Illinois. I am the owner of Nick Larry Law LLC, and have been retained to represent Plaintiff and appointed as Settlement Class Counsel in this matter.

2. I make this Declaration in support of Plaintiff's Motion for Attorneys' Fees, Expenses, and Incentive Award. I am over 18 and am fully competent to make this declaration. This declaration is based upon my personal knowledge, except where expressly noted otherwise.

Background and Experience

3. I have spent nearly my entire career litigating consumer class actions, focusing particularly on privacy, security, and technology claims. In June 2020, I formed Nick Larry Law LLC to continue pursuing those types of cases.

4. I began my career at Edelson McGuire, LLC (now Edelson PC) in 2011 as a summer associate. I continued working at Edelson through my third year at Northwestern University School of Law, and then from graduation in 2012 until early 2017, when I left the firm.

5. During my time at Edelson, I was responsible for litigating dozens of consumer class actions, including several high-profile cases of first impression.

6. Most relevant here, I was part of the team responsible for the first consumer class action asserting BIPA violations, *Licata v. Facebook*, Case No. 2015-CH-05427 (Cir. Ct. Cook Cnty., Ill., Apr. 1, 2015), later removed, transferred, and coordinated with other proceedings under the caption *In re Facebook Biometric Information Privacy Litig.*, No. 15-cv-3747 (N.D. Cal.). From filing until I left the firm nearly two years later, I was the senior associate on the case, and was responsible for all aspects of case management, including assisting with case development, and briefing many issues that helped shape BIPA litigation in subsequent years.

7. I was also part of the team that obtained the first class-wide BIPA settlement, in *Sekura v. L.A. Tan Enterps.*, No. 2015-CH-16694 (Cir. Ct. Cook Cnty., Ill.), and was responsible for briefing and arguing novel BIPA issues in several cases then pending.

8. I was also part of the team at Edelson that secured a \$14 million settlement in *Dunstan v. comScore*, No. 11-cv-5807 (N.D. Ill.), a case asserting that the defendant violated the Electronic Communications Privacy Act, Stored Communications Act, Computer Fraud and Abuse Act, Illinois Consumer Fraud and Deceptive Practices Act, and was unjustly enriched, by installing sophisticated analytics spyware on the computers of millions of consumers nationwide. When Judge Holderman certified the proposed class, it was believed to be the largest privacy class certified to date.

9. Along with other lawyers, I was appointed lead class counsel on *In re LinkedIn User Privacy Litig.*, No. 12-cv-3088 (N.D. Cal.), a consolidated class action arising out of LinkedIn's well-publicized 2012 data breach. I was responsible for the amended pleadings, hiring and overseeing plaintiffs' data-security and behavioral-economics testifying expert, and briefing and arguing the motion to dismiss. Those efforts resulted in the Court endorsing a novel, consumer-fraud based theory of liability for failure to employ industry-standard security measures. *See In re LinkedIn*, 2014 WL 1323713 (N.D. Cal. Mar. 28, 2014). After the parties negotiated a class settlement, I was responsible for briefing and arguing preliminary approval, final approval, and the petition for attorneys' fees, costs, and incentive award.

10. Additionally, I was responsible for developing the first cases under Michigan's Preservation of Personal Privacy Act. From outlining the theory of liability to screening clients and preparing complaints, through to handling motion to dismiss briefing and discovery, I was directly involved in advancing this new area of law. As a result of the favorable case-law created, *see Halaburda v. Bauer Pub. Co., LP*, No. 12-cv-12831, 2013 WL 4012827 (E.D. Mich. Aug. 5, 2013) (a case in which, along with my colleagues, I was appointed class counsel), millions of Michiganders have recovered well over \$100 million from various publishers.

11. In addition to novel data-privacy cases under those statutes and others, I was regularly responsible for litigating TCPA class actions against financial institutions, consumer-fraud claims against technology companies, and more.

12. After leaving Edelson, I worked at two more firms before opening my own firm in June 2020. During those intervening years, I performed plaintiff's litigation on behalf of corporate

clients, was plaintiff's counsel on consumer class actions, and represented thousands of consumers in individual arbitrations.

13. Since launching my own firm, I have acted as lead counsel in dozens of class and individual actions in state and federal courts, and have been appointed class counsel in several class actions, including BIPA class actions. *See Hosch v. Drybar Holdings LLC*, No. 2021-CH-01976 (Cir. Ct. Cook Cnty., Ill.); *Rivera v. Am. Freedom Ins. Co.*, No. 2020-CH-06596 (Cir. Ct. Cook Cnty., Ill.); *Bertasiute v. The Hari Group, Inc., et al.*, No. 2020-CH-07055 (Cir. Ct. Cook Cnty., Ill.); *Morrissey v. Tula Life Inc.*, No. 2021-L-000646 (18th Judicial Cir., DuPage Cnty., Ill.); *Watson v. E.T. Browne Drug Co., Inc.*, No. 2022-LA-000151 (18th Judicial Cir., DuPage Cnty., Ill.); *Velasco v. Belmont Groceries, LLC*, No. 2023-CH-01077 (Cir. Ct. Cook Cnty., Ill.); *Rogers v. Border Foods, Inc., et al.*, No. 2021-L-0000019 (17th Judicial Cir., Winnebago Cnty., Ill); *Tapia-Rendon v. United Tape & Finishing Co. Inc.*, No. 21-cv-3400, 2023 WL 5228178 (N.D. Ill. Aug. 15, 2023), *reconsideration denied*, No. 21-cv-3400, 2024 WL 406513 (N.D. Ill. Feb. 2, 2024); *Lewis v. Maverick Transp. LLC, et al.*, No. 22-cv-46 (S.D. Ill.).

14. I was also counsel for the State of Texas in its biometric-privacy litigation against Meta Platforms, Inc., which resulted in a recovery of \$1.4 billion for the State. *See Nadia Lathan, Meta agrees to \$1.4B settlement with Texas in privacy lawsuit over facial recognition*, Associated Press (July 30, 2024), <https://apnews.com/article/texas-attorney-general-meta-settlement-3ed4d9c3c3abc4494a3731eac8643e4e>.

Litigation History

15. Plaintiff filed his complaint on December 3, 2020, and served his first set of written discovery requests on Papa John's International, Inc. on January 13, 2021.

16. Over fourteen months of discovery, Plaintiff served Papa John's with five sets of requests for production (totaling 109 requests), 24 interrogatories across four sets, and 56 requests for admission across two sets.

17. Papa John's produced over 1,600 pages of documents in this litigation, including source code.

18. Following repeated conferences between the parties, Papa John's served six sets of supplemental or amended discovery responses.

19. Plaintiff responded to two sets of requests for production from Papa John's and produced over a hundred pages of responsive documents. Plaintiff also answered three sets of interrogatories and a set of requests for admission.

20. My co-counsel Tom Kayes and I engaged a consulting expert to review Papa John's document production and source code to assist Class Counsel in understanding the functionality of the FOCUS system's fingerprint scanner.

21. Class Counsel deposed Papa John's corporate representative twice, and also deposed three other Papa John's employees and Hoosier Papa LLC's corporate representative and owner. Papa John's also deposed Plaintiff.

22. While litigating the case, Class Counsel engaged in periodic settlement discussions with Papa John's, including the October 2024 settlement conference with Magistrate Judge Appenteng. While the settlement conference was unsuccessful, the parties continued to discuss settlement as they completed renewed briefing on summary judgment and class certification.

23. After briefing on those motions completed, the parties renewed their settlement negotiations and scheduled a mediation with the Honorable James R. Epstein (ret.) of JAMS Chicago.

24. The mediation took place by videoconference on August 18, 2025, and was attended by Plaintiff, his counsel, and counsel and a representative from Papa John's. The session ended with a mediator's proposal, which the parties agreed to four days later. The parties then negotiated the full terms of the Settlement Agreement and developed the notice plan with the Settlement Administrator.

25. Following the Court's preliminary approval of the parties' settlement, notice was disseminated by the February 16, 2026 deadline.

26. To date, no class member has opted out of or objected to the settlement.

27. Since preliminary approval, Class Counsel has continued to work on the class's behalf, working with the settlement administrator to ensure prompt dissemination of notice and to review the validity of the claims submitted.

Class Counsel's Fee Request and Lodestar

28. Plaintiff's engagement agreement with his counsel provides that the attorneys will be paid the greater of their lodestar or 40% of any common fund obtained.

29. Class Counsel had to identify and investigate the technology used by Papa John's franchisees. Then Class Counsel then went through full discovery on both class certification and the merits. Class Counsel had to brief class certification and summary judgment.

30. Throughout my representation of Plaintiff, I have tracked and billed time contemporaneously using timekeeping software. As of the drafting of this declaration, I have billed

254.3 hours across to this litigation. I expect to bill dozens more hours briefing final approval and working with the settlement administrator on administration of the settlement through final approval and through the administration contemplated by the settlement.

31. My standard billing rate is \$945 per hour. This rate reflects my more than 13 years of experience litigating complex class-action and other matters in federal and state courts in Chicago and throughout the country, my firm's overhead, and the opportunity cost of my time. My firm has hourly clients who regularly pay \$945 per hour for my time.

32. Based on my standard hourly rate and my hours billed, my firm's lodestar to date is \$240,304.05.

Class Counsel's Expenses

33. Throughout this litigation, my firm and my co-counsel have advanced expenses needed to secure the recovery for the class. I have personally reviewed the expense records, which were tracked by my co-counsel and my firm through shared case-management software.

34. To date, my firm and my co-counsel have advanced \$26,074.12 in litigation expenses in the course of our representation of the class. Those expenses are broken down by category below:

| Cost Category | Expense Amount |
|--|-----------------------|
| Mediation costs | \$10,011.88 |
| Deposition transcripts and court-reporter fees | \$13,781.95 |
| Consulting expert costs | \$1,120.00 |
| Postage, delivery, and printing | \$45.54 |
| Service of process | \$712.75 |
| Filing Fees | \$402.00 |
| Total | \$26,074.12 |

35. The amounts listed above include \$12,183.70 in court reporter and deposition fees that, due to a clerical error, were not included in the expense total stated in the class-notice documents, and which therefore will not be recovered from the common fund.

36. The expenses listed above are reasonable and ordinary based on my experience, and were necessary to secure the recovery for the Class.

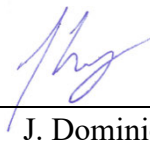
Plaintiff's Requested Incentive Award

37. Throughout the case, Plaintiff conferred with Class Counsel, provided information and documentation to prepare the pleadings, reviewed the complaints, answered Papa John's interrogatories, produced relevant documents, sat for his deposition, and engaged in the settlement process, including attending the settlement conference with Magistrate Judge Appenteng and the mediation that led to the resolution of this case.

38. These efforts from Plaintiff were necessary to secure the recovery.

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

Executed on April 3, 2026, in Chicago, Illinois.



J. Dominick Larry