

IN THE CIRCUIT COURT FOR THE STATE OF TENNESSEE  
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

KARENT LYTLE, individually and on behalf of)  
all others similarly situated, )

Plaintiffs, )

v. )

REVANCE THERAPEUTICS, INC., )

Defendant. )

Class Action

Case No. 23C1987

**DECLARATION OF J. GERARD STRANCH, IV IN SUPPORT OF PLAINTIFFS’**  
**UNOPPOSED MOTION FOR FINAL APPROVAL**

I, J. Gerard Stranch, IV, declare as follows:

1. I am the Managing Partner of Stranch, Jennings & Garvey, PLLC (“Stranch Firm” or “SJG”), formerly known as Branstetter, Stranch & Jennings, PLLC. I am an active member in good standing of the State Bar of Tennessee and submit this Declaration in Support of Plaintiffs’ Motion for Final Approval. I have personal knowledge of the facts set forth herein based on my active supervision of, and participation in, the prosecution and settlement of the claims asserted in this action and, if called upon, could and would testify thereto.

2. I have been involved in this matter since before the complaint was filed. Before taking this case on a contingency fee basis, I have thoroughly investigated the bases for the claims presented, including through case law and statutory research, investigations with potential named plaintiffs, strategic discussions with my team and co-counsel, and reviews of all factual information available in the public domain regarding Defendant’s data breach, including press releases notifications, and news articles.

3. The information gleaned from our investigation allowed my team and I, along with

co-counsel, to assess the strengths and weaknesses of this action, to analyze potential damages models, and informed our decision to negotiate with opposing counsel for an early resolution of this matter in the belief that such an early resolution would serve the class more than prolonged and risky litigation.

4. I possess significant experience in consumer class action litigation, including numerous data breach matters across the country. Recent data breach settlements from this year include *Molinari v. Welfare & Pension Admin. Servs., Inc.*, No. 22-2-04023-8 SEA (Super. Ct. King Cty., Washington); *In re Goodman Campbell Brain & Spine Data Inc. Litig.*, No. 49D01-2207-PL-024807 (Super. Ct. Marion Cty., Indiana); *Castaneda v. Ardagh Glass, Inc.*, No. 1:23-cv-02214 (S.D. Ind.); *Covington v. Gifted Nurses, LLC*, No. 1:22-cv-04000 (N.D. Ga.); *In re CorrectCare Data Breach Litig.*, No. 5:22-cv-319 (E.D. Ky.); *Lytle v. Revance Therapeutics*, No. 23C1897 (Cir. Ct. Davidson Cty., Tennessee); *Weigand v. Group 1001 Ins. Holding, LLC*, No. 1:23-cv-01452 (S.D. Ind.); *Cain v. CGM, LLC*, No. 1:23-cv-02604 (N.D. Ga.); *Grissett v. Tallahassee Mem. Healthcare*, No. 2023 CA 001430 (Dist. Ct. Leon Cty., Florida). For more detail, see my resume attached hereto as Exhibit A.

5. Because the harm done to Plaintiffs and the Class is in the form of identity and credit theft or fraud, especially the increased risk of such theft and fraud that Plaintiffs and the Class now face, Class Counsel negotiated a resolution that allows Plaintiffs and the Class access to identity theft protection services now, without waiting years for the litigation to conclude. Thus, Plaintiffs and each Class Member will be eligible to sign up for credit monitoring and identity theft protection services for three years with at least \$1,000,000 in fraud protection insurance. All Class Members are equally eligible to sign up for these benefits with no cap on the number of Class Members who may sign up.

6. Moreover, the Settlement here provides Class Members with the means to seek reimbursement for their document out-of-pocket expenses and financial losses associated with the Data Breach.

7. In addition to credit monitoring and identity theft protection services for the Class and reimbursement for expenses and losses, Defendant has agreed to undertake certain business practice changes that will benefit the Class by helping to ensure their data is more secure from future cyberattacks. The costs for these cybersecurity enhancements were paid separate from the other class benefits.

8. Class Counsel and Defendant's counsel are all experienced litigators and all negotiations in this matter were hard fought and at arms'-length. There no was collusion among counsel or the Parties in this matter and no evidence to the contrary has been, or could be, presented.

9. Class Counsel has spent considerable time and effort on this matter that would otherwise have been dedicated to other fee-generating matters.

10. Throughout the case, Plaintiffs have vigorously prosecuted this matter and have been available at all necessary times. They have reviewed documents, evidence, and filings, and have provided all evidence necessary.

11. Although Class Counsel strongly believes in the merits of this matter, Class Counsel also understands the delay and risk associated with prolonged litigation. In Counsel's experience, data breach litigation is complex because of the technical nature of the claims and risky because of the often inconsistent holdings of the various courts. Moreover, Class Members benefit from early resolution because they need to equip themselves with the credit monitoring necessary to help identify fraudulent activity and identity theft. Thus, Class Counsel believes the

Settlement here is highly favorable to the Class notwithstanding that the case has not progressed to require the full expense of discovery, though Plaintiffs did receive informal class discovery.

12. Moreover, because of the technical nature of data breach litigation, experts would be required to continue this litigation. Often this is at least two experts, who often bill around \$600 per hour.

13. Still further, Plaintiffs negligence-based claims would likely require resolution by a jury, including questions of causation, amount of damages, and whether Defendant's conduct violated its duty and standard of care. The expenses of these trial questions are further exacerbated because any trial verdict in Plaintiffs' favor would almost certainly be appealed by Defendant.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed this 10th day of October 2024, in Nashville, Tennessee.

/s/ J. Gerard Stranch, IV  
J. Gerard Stranch, IV (BPR 23045)

Respectfully submitted,

/s/ Grayson Wells

J. Gerard Stranch, IV (BPR 23045)  
Grayson Wells (BPR 039658)  
**STRANCH, JENNINGS & GARVEY, PLLC**  
223 Rosa L. Parks Avenue, Suite 200  
Nashville, TN 37203  
Tel: 615-254-8801  
gstranch@stranchlaw.com  
gwells@stranchlaw.com

Samuel J. Strauss  
Raina Borrelli  
**STRAUSS BORRELLI PLLC**  
One Magnificent Mile  
980 N. Michigan Avenue, Suite 1610  
Chicago, IL 60611  
Tel: (872) 263-1100  
sam@straussborrelli.com  
raina@straussborrelli.com

*Attorneys for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of October 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system and/or U.S. Mail to:

Kathryn H. Walker (#020794)  
Taylor M. Sample (#034430)  
**BASS, BERRY & SIMS PLC**  
150 Third Avenue South, Suite 2800  
Nashville, TN 37201  
Tel: (615) 742-6200  
kwalker@bassberry.com  
taylor.sample@bassberry.com

Casie D. Collignon  
**BAKER & HOSTETLER LLP**  
1801 California Street, Suite 4400  
Denver, CO 80202  
Tel: (303) 861-0600  
ccollignon@bakerlaw.com

*Attorneys for Defendant*

/s/ J. Gerard Stranch, IV  
J. Gerard Stranch, IV



# J. Gerard Stranch IV

FOUNDING AND MANAGING MEMBER

**Gerard Stranch is the managing member at Stranch, Jennings & Garvey, PLLC (SJ&G). A third-generation trial lawyer, he leads the firm’s class action and mass tort practice groups. His additional areas of practice include bank fees, data breaches, wage and hour disputes, worker adjustment and retraining notification, personal injury and trucking wrecks.**

Mr. Stranch has served as lead or co-lead counsel for the firm in numerous cases, including:

- lead trial attorney in the Sullivan Baby Doe case (originally filed as *Staubus v. Purdue*) against U.S. opioid producers Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., resulting in a \$35 million settlement agreement, the largest per capita settlement achieved by any prosecution with Endo to date;
- personally appointed to the steering committee of the In re: Volkswagen “Clean Diesel” Marketing, Sales Practices and Products Liability Litigation, resulting in approximately \$17 billion in settlements, the largest consumer auto settlement and one of the largest settlements in any matter ever;
- the executive committee In re: *Dahl v Bain Capital Partners* (anti-trust), resulting in a \$590.5 million settlement;
- personally appointed to the steering committee In re: *New England Compounding Pharmacy, Inc.*, resulting in more than \$230 million in settlements; and
- appointed as co-lead counsel In re: *Alpha Corp. Securities* litigation, resulting in a \$161 million recovery for the class.

## PHONE

615.254.8801

## EMAIL

gstranch@stranchlaw.com

## LOCATION

The Freedom Center  
223 Rosa L. Parks Avenue  
Suite 200  
Nashville, TN 37203

A 2000 graduate of Emory University, Mr. Stranch received his J.D. in 2003 from Vanderbilt University Law School, where he teaches as an adjunct professor about the practice of civil litigation. He led the opioid litigation team in the Sullivan Baby Doe suit, for which the team won the 2022 Tennessee Trial Lawyer of the Year award. Mr. Stranch has been listed as one of the Top 40 Under 40 by the National Trial Lawyers Association and as a Mid-South Rising Star by Super Lawyers magazine.

## PRACTICE AREAS

- Class Action
- Mass Tort
- Bank Fees
- Data Breaches
- Wage and Hour Disputes
- Worker Adjustment and Retraining Notification
- Personal Injury
- Trucking Wrecks

## EDUCATION

- Vanderbilt University Law School (J.D., 2003)
- Emory University (B.A., 2000)

## BAR ADMISSIONS

- Tennessee
- U.S. District Court Western District of Tennessee
- U.S. District Court Middle District of Tennessee
- U.S. District Court Eastern District of Tennessee
- U.S. 6th Circuit Court of Appeals
- U.S. 8th Circuit Court of Appeals
- U.S. 9th Circuit Court of Appeals
- U.S. District Court District of Colorado

## PROFESSIONAL HONORS & ACTIVITIES

### Awards

- Super Lawyers Mid-South Rising Star
- Tennessee Trial Lawyer of the Year
- Top 40 Under 40, National Trial Lawyers Association

### Memberships

- Public Justice
- Nashville Bar Association
- Tennessee Bar Association
- American Association for Justice
- Tennessee Association for Justice
- Lawyer’s Coordinating Committee of the AFL-CIO
- General Counsel Tennessee AFL-CIO and Federal Appointment, Coordinator
- General Counsel Tennessee Democratic Party
- National Trial Lawyer
- Board of Directors, Cumberland River Compact
- Board of Governors, Tennessee Trial Lawyers Association

## PRESENTATIONS

- Mr. Stranch regularly speaks at conferences on issues ranging from in-depth reviews of specific cases to developments in the law, including in mass torts, class actions and voting rights.
- Mr. Stranch is one of the founding members of the Cambridge Forum on Plaintiff’s Mass Tort Litigation and regularly presents at the forum.

## LANGUAGES

- English
- German





STRANCH, JENNINGS & GARVEY  
 PLLC

## Data Breaches

**Security breach notification laws require entities to notify their customers or citizens when they have experienced a data breach and to take certain steps to deal with the situation. This gives these individuals the opportunity to mitigate personal risks resulting from the breach and minimize potential harm, such as fraud or identity theft. Currently, all 50 states, along with the District of Columbia and three U.S. territories have adopted notification laws requiring notification when a breach has occurred.**

- **In re: Anthem, Inc. Data Breach Litig., MDL 2617 LHK, (N.D. California, 2016).** The firm served as counsel for plaintiffs in a coordinated action consisting of nationwide cases of consumers harmed by the 2015 criminal hacking of servers of Anthem, Inc. containing more than 37.5 million records on approximately 79 million people receiving insurance and other coverage from Anthem's health plans. The case settled in 2017 for \$115 million, the largest healthcare data breach in U.S. history, and has received final approval.
- **In re: McKenzie et al. v. Allconnect, Inc., 5:18-cv-00359** (E.D. Kentucky) (J. Hood). The firm served as class counsel in an action brought on behalf of more than 1,800 current and former employees of Allconnect, Inc., whose sensitive information contained in W-2 statements was disclosed to an unauthorized third party who sought the information through an email phishing scheme. The firm negotiated a settlement providing for direct cash payments to all class members, credit monitoring and identity theft protection plan at no cost, capped reimbursement of documented economic losses incurred per class member and other remedial measures. The approximately \$2.2 million settlement value is one of the largest per capita recoveries in a W-2 phishing litigation.
- **In re: Monegato v. Fertility Centers of Illinois, PLLC, Case No. 2022 CH 00810** (Cook County Circuit Court). The firm served as class counsel in a case brought on behalf of approximately 80,000 individuals whose personal information was involved in a February 2021 data breach. A settlement with a total estimated value of \$14.5 million was negotiated. Final approval was granted by the Cook County, Illinois Circuit Court in April 2023.
- **In re: Winsouth Credit Union v. Mapco Express Inc., and Phillips v. Mapco Express, Inc. Case Nos. 3:14-cv-1573 and 1710** (M.D. Tennessee) (J. Crenshaw). The firm served as liaison counsel in consumer and financial institution action stemming from the 2013 hacking of computer systems maintained by Mapco Express, Inc. The cases settled in 2017 for approximately \$2 million.
- **In re: Owens, et al. v. U.S. Radiology Specialists, et al., Case No. 22 CVS 17797** (Mecklenburg, North Carolina, Supreme Court). The firm served as plaintiffs' counsel in action brought on behalf of approximately 1.3 million individuals whose sensitive, personal information was potentially compromised in defendants' December 2021 data security incident. Along with co-counsel, the firm negotiated a \$5,050,000 non-reversionary common fund settlement including pro rata cash payments, reimbursement of up to \$5,000 for out-of-pocket expenses traceable to the data breach per person, compensation for lost time and verified fraud reimbursement. Preliminary approval pending.

Many more nationwide, including:

- **In re: Larson v. Aditi Consulting, LLC, Case No. 22-2-03572-2 SEA** (King County, Washington, Supreme Court) Final approval was granted July 14, 2023.
- **In re: Carr v. South Country Health Alliance, Case No. 74-CV-21-632** (Steele County, Minnesota District Court) Final approval was granted Nov. 6, 2023.
- **In re: Reese v. Teen Challenge Training Center, Inc., Case No. 210400093** (Philadelphia County, Pennsylvania Court of Common Pleas) **Final approval pending.**
- **In re: Joyner v. Behavioral Health Network, Inc., No. 2017CV00629** (Massachusetts Supreme Court) A non-reversionary common fund of \$1,200,000 was established to provide credit monitoring, and cover claims of economic loss up to \$10,000 and non-economic loss up to \$1,000 for lost time for each of the approximately 133,237 class members.

### ATTORNEYS IN THIS PRACTICE AREA



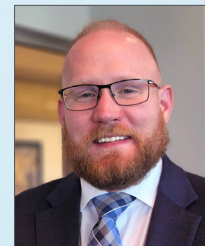
**Andrew E. Mize**



**Jack Smith**



**J. Gerard Stranch IV**



**Grayson Wells**





STRANCH, JENNINGS & GARVEY  
PLLC

## Class Action

Our firm has a long record of success representing plaintiffs in a substantial number of class action and mass tort cases in state and federal courts throughout the U.S. These cases include some of the most complicated litigation the courts have seen against some of the largest multinational companies. Through these cases, we defend the rights of clients harmed by defective products, pharmaceuticals, industry negligence or illegal practices.

Our attorneys have served as class counsel and as lead, co-lead and liaison counsel in landmark cases and national class actions involving data breach, wage and hour violations, anti-competitive practices, illegal generic drug suppression and bid rigging, defective products and violations of the Telephone Consumer Protection act.

- **In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB** (N.D. California) (J. Breyer). Founding and Managing Member J. Gerard Stranch IV served on the plaintiffs’ steering committee in a coordinated action consisting of nationwide cases of consumer and car dealerships. This action alleged that Volkswagen AG, Volkswagen Group of America and other defendants illegally installed so-called “defeat devices” in their vehicles, which allowed the cars to pass emissions testing but enabled them to emit nearly 40 times the allowable pollution during normal driving conditions. In October 2016, the court granted final approval to a settlement fund worth more than \$10 billion to consumers with two-liter diesel engines, and in May 2017, the court granted final approval to a \$1.2 billion settlement for consumers with three-liter diesel engines, and a \$357 million settlement with co-defendant Bosch.
- **In re: Davidson v. Bridgestone/Firestone, Inc. and Ford Motor Co. No. 00-C2298** (Davidson Circuit, Tennessee) (Soloman/ Brothers). The firm served as lead counsel in a nationwide class action against Bridgestone/Firestone, Inc. and Ford Motor Co. concerning defective tires. A settlement valued at \$34.4 million was reached in conjunction with a companion case in Texas.
- **In re: Cox v. Shell Oil et al., Civ. No. 18844** (Weakley Chancery, Tennessee) (Judge Malon). The firm intervened in a consumer class action composed of all persons throughout the United States who owned or purchased defective polybutylene piping systems used in residential constructions or mobile homes. A global settlement was reached that was valued at \$1 billion.
- **In re: Heilman et al. v. Perfection Corporation, et al., Civ. No. 99-0679-CD-W-6** (W.D. Missouri). The firm served on the executive committee in a nationwide consumer class action composed of all owners or purchasers of a defective hot water heater. A settlement was reached that provided 100% recovery of damages for a possible 14.2 million hot water heaters and any other property damages.
- **In re: Alpha Corp. Securities litigation.** Founding and Managing Member J. Gerard Stranch IV was appointed as co-lead counsel. The case resulted in \$161 million recovery for the class.

### ATTORNEYS IN THIS PRACTICE AREA



Colleen Garvey



Hon. John (Jack) Garvey



Michael Iadevaia



Kyle C. Mallinak



Nathan Martin



Andrew E. Mize



Emily E. Schiller



Marty Schubert



Jack Smith



Michael G. Stewart



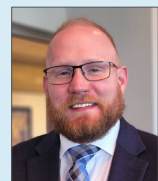
J. Gerard Stranch IV



James G. Stranch III



K. Grace Stranch



Grayson Wells