

2023LA000402

Candice Adams
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DuPage County
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EXHIBIT 1

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS**

TERRELL CLINE and EDWARD JEPSON,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

INLINE NETWORK INTEGRATION, LLC,

Defendant.

Case No. 2023LA000402

**DECLARATION OF GARY KLINGER IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES, COSTS,
EXPENSES, AND SERVICE AWARD**

I, Gary Klinger, hereby aver, pursuant to 735 ILCS 5/1-109, that I am fully competent to make this Declaration, that I have personal knowledge of all matters set forth herein unless otherwise indicated, and that I would testify to all such matters if called as a witness in this matter.

1. I am a Partner at Milberg, Coleman, Bryson, Phillips, Grossman PLLC, Class Counsel in this action. I make this declaration in support of Plaintiff's Motion for Attorneys' Fees, Costs, Expenses, and Service Award, filed herewith.

2. I am a member in good standing of the Illinois Bar; the United States District Courts for Colorado, the Central District of Illinois, the Northern District of Illinois, the Southern District of Illinois, the Northern District of Indiana, the Southern District of Indiana, the Eastern District of Michigan, the Western District of Michigan, the District of Nebraska, the Northern District of Ohio, the Eastern District of Texas, the Eastern District of Wisconsin and the U.S. Court of Appeals for the 2nd Circuit.

3. Plaintiffs and Class Counsel recognize that despite our belief in the strength of Plaintiffs' claims, and Plaintiffs' and the Class's ability to ultimately secure a favorable judgment

at trial, the expense, duration, and complexity of protracted litigation would be substantial and the outcome of trial uncertain.

4. Plaintiffs and Class Counsel are also mindful that absent a settlement, the success of Defendant's various defenses in this case could deprive Plaintiffs and Class Members of any potential relief. Defendant is represented by highly experienced attorneys who have made clear that absent a settlement, they were prepared to continue their vigorous defense of this case. Plaintiffs and Class Counsel are also aware that Defendant would have continued to challenge liability, which if successful, could have resulted in Plaintiffs and Class Members receiving no payment or relief whatsoever. Looking beyond trial, Plaintiffs are also keenly aware that Defendant could appeal the merits of any adverse decision, and that in light of the statutory damages in play it would argue – in both the trial and appellate courts – for a reduction of damages based on due process concerns.

5. Plaintiffs and Class Counsel believe that the relief provided by the settlement weighs heavily in favor of a finding that the settlement is fair, reasonable, and adequate, and well within the range of approval.

6. Class Counsel undertook this litigation on a contingency basis, despite knowing the litigation risks and the prospect of no recovery.

7. Class Counsel has devoted (and continues to devote) a significant amount of attorney time and other resources investigating, prosecuting and resolving this litigation and, as a result, has been forced to forego other new matters that we otherwise would have taken on.

8. Additionally, to date Class Counsel has incurred expenses necessary to effectively prosecute this litigation. Class Counsel undertook these expenses without any guarantee of

reimbursement. Class Counsel's willingness to prosecute this action on a contingent fee basis and to advance costs diverted time and resources expended on this action from other cases.

9. In addition to the work Class Counsel has performed thus far, I anticipate that Class Counsel will expend a substantial amount of additional time in the future performing work in connection with the final fairness hearing, coordinating with the Settlement Administrator, monitoring settlement administration, and responding to Settlement Class Member inquiries before this litigation and the settlement administration and distribution process comes to an end.

10. I am of the opinion that Plaintiffs' active involvement in this case was critical to its ultimate resolution. Plaintiffs took their role as class representatives seriously, devoting significant amounts of time and effort to protecting the interests of the class. Without Plaintiffs' willingness to assume the risks and responsibilities of serving as class representatives, I do not believe such a strong result could have been achieved.

11. Plaintiffs equipped Class Counsel with critical details regarding their experiences with Defendant and assisting Class Counsel in investigating their claims, providing supporting documentation, aiding in drafting the Complaint, and preparing to participate in discovery. Plaintiffs were also prepared to testify at deposition and trial, if necessary. Plaintiffs stayed informed of the status of the Action and Plaintiffs were actively consulted during the settlement process.

12. In short, Plaintiffs assisted Class Counsel in pursuing this action on behalf of the class, and Plaintiffs' involvement in this case has been nothing short of essential.

