

**IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT
WILLIAMSON COUNTY, ILLINOIS**

ANGELA SYKES, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

BANTERRA BANK,

Defendant.

Case No.: 2022 LA 14

**DECLARATION OF SOPHIA GOREN
GOLD IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS AND SERVICE AWARD**

RICK A. CAMPBELL and STEPHANIE
CAMPBELL, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

BANTERRA BANK,

Defendant.

Case No.: 2022 LA 33

DECLARATION OF SOPHIA GOREN GOLD

I Sophia Goren Gold, declare:

1. I am Class Counsel of record for Plaintiffs Angela Sykes, Rick A. Campbell and Stephanie A. Campbell and the proposed Settlement Class in the above-captioned matters. I submit this Declaration in support of Plaintiff's Unopposed Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees, Expenses and Class Representative Service Awards.

EXPERIENCE

2. The Settlement in this action provides meaningful relief to Settlement Class Members and was made possible only by Class Counsel's extensive experience in class action litigation in general and in litigation against financial institutions in particular.

3. Class Counsel have emerged as leaders in nationwide litigation against financial institutions over the assessment of improper fees. Class Counsel also have extensive experience in a wide range of consumer protection litigation in Illinois and around the country.

4. Plaintiffs' interests are identical to those of the proposed Settlement Class Members, they have no claims antagonistic to or in conflict with the Settlement Class, they seek remedies equally applicable and beneficial to themselves and the Settlement Class, and they have been involved in and remains committed to resolving the claims in a fair, reasonable, and adequate way.

5. Additionally, Plaintiffs have also selected experienced and competent counsel to represent the Settlement Class. Collectively, Class Counsel has an extensive background in litigating complex litigation and consumer class actions (including several bank fee cases such as this one), has been appointed class counsel in prior and similar cases, and has the resources necessary to prosecute this Action to its conclusion.

6. Plaintiffs and Class Counsel have adequately and vigorously represented the Settlement Class throughout the litigation, which involved significant informal discovery and settlement negotiations with the assistance of a third-party neutral mediator.

7. Further, Plaintiffs, through their counsel, engaged in a lengthy, independent investigation of their claims, as well as the potential claims of other Settlement Class Members, in order to properly weigh the pros and cons of continued litigation versus the proposed nationwide

settlement of all claims.

8. The entire settlement process was negotiated in good faith and at arm's-length by highly knowledgeable counsel experienced in complex class action litigation, including consumer disputes involving banking fee claims.

9. The Court should award Class Counsel's requested attorneys' fees of 33.33% of the value of the settlement because it is well-within the range of reasonable attorney fees awarded in Illinois in common fund class action settlements. Not only is this amount customary, it is also supported by additional considerations, such as the risks Class Counsel undertook in pursuing these complex actions on a contingency basis, the significant results achieved for the Settlement Classes, the time and effort expended by Class Counsel, and the standard one-third amount that is routinely awarded in this type of banking fee litigation across the country, including by Class Counsel.

10. This case faced potential obstacles at all junctures that could have resulted in no recovery at all for the Settlement Classes, including losing the motions to dismiss; losing class certification; losing summary judgment; losing at trial; or losing on appeal at either class certification or after a successful trial. Additionally, the risk of protracted litigation would likely reduce the amount of the benefit ultimately obtained due to years of delay and increased cost of litigation. Notwithstanding these hurdles, Class Counsel endeavored to take these cases on a pure contingency fee basis, devoted significant time and resources, and chose to forego pursuing other cases as sources of income in the face of assuming the significant risk of nonpayment.

11. Hundreds of hours have been expended by Class Counsel thus far in the prosecution of the Actions, from investigating Banterra's fee practices and gathering evidence in support of the claims resolved by the Settlement; interviewing potential clients; drafting the Complaints;

litigating contentious motion practice; drafting written discovery requests; preparing for and attending mediation, including researching and drafting a mediation statement; engaging an expert to review Defendant's account-level transaction data and analyze potential damages; negotiating and drafting the Agreement with Defendant's counsel; moving for and obtaining preliminary approval; consulting and overseeing the Settlement Administrator's efforts to provide notice to the Settlement Classes; and preparing the motions for final approval and for attorneys' fees, costs, and service awards.

12. It is anticipated that Class Counsel will expend additional time and resources in securing final approval, final judgment, and ensuring the successful administration of the Settlement by working with the Settlement Administrator after final approval. Class Counsel endeavored to take this case on a pure contingency fee basis, devoted significant time and resources, and chose to forego pursuing other cases as sources of income in the face of assuming the significant risk of nonpayment.

13. Class Counsel have national reputations for their acquired skill in complex class action litigation, and particularly, in the context of banking fee litigation.

14. Class Counsel regularly receives a one-third or higher fee from common fund settlements involving similar banking fee claims in state and federal courts throughout the nation.

15. In this case, Class Counsel advanced various expenses, totaling \$16,771.39.

16. These costs were also necessary because of the notice requirements needed to notify Class Members of the Settlement and ultimately distribute the class recovery by account credit or check. The Settlement Administrator has provided an estimate of its cost to administer the settlement, which totals \$50,665, which is in line with Class Counsel's experience for this type of settlement.

17. The Named Plaintiffs' efforts and involvement have benefitted the Settlement Classes as a whole, as they have regularly consulted with Class Counsel, provided documents and information, reviewed pleadings, and participated in the settlement process.

I declare under penalty of perjury that the foregoing is true of my own personal knowledge.

Executed in Berkeley, California this 25th day of September, 2023.

/s/ Sophia Goren Gold
SOPHIA GOREN GOLD

PROOF OF SERVICE

I hereby certify that on September 25, 2023, I electronically filed the foregoing with the Clerk of the Court using the e-filing system and sent an electronic PDF copy of the foregoing document to the attorneys of record below by serving same via email.

/s/Robin Matney

Eric S. Silverstri at: silvest@chapman.com