

1 BLOOD HURST & O'REARDON, LLP
TIMOTHY G. BLOOD (149343)
2 THOMAS J. O'REARDON II (247952)
501 West Broadway, Suite 1490
3 San Diego, CA 92101
Tel: 619/338-1100
4 619/338-1101 (fax)
tblood@bholaw.com
5 toreardon@bholaw.com

6 Class Counsel

7
8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

10 GORDON NOBORU YAMAGATA and
STAMATIS F. PELARDIS, individually and
11 on behalf of all others similarly situated,

12 Plaintiffs,

13 v.

14 RECKITT BENCKISER LLC,

15 Defendant.

Case No. 3:17-cv-03529-VC

**REPLY DECLARATION OF TIMOTHY
G. BLOOD IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND MOTION
FOR AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES, AND
SERVICE AWARDS FOR CLASS
REPRESENTATIVES**

16 **CLASS ACTION**

17 Hrg Date: October 28, 2021
18 Time: 10:00 a.m.

19 District Judge Vince Chhabria
Courtroom 4, 17th Floor

20 Complaint Filed: June 19, 2017

21 **JURY TRIAL DEMANDED**

BLOOD HURST & O' REARDON, LLP

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BLOOD HURST & O' REARDON, LLP

1 I, TIMOTHY G. BLOOD, declare:

2 1. I am the managing partner of the law firm Blood Hurst & O'Reardon, LLP and an
3 attorney licensed to practice before the courts of the State of California and this Court. I am court-
4 appointed Class Counsel pursuant to Federal Rule of Civil Procedure 23(g) in the above-entitled
5 matter and in *Carrigan v. Reckitt Benckiser LLC*, pending in the United States District Court for the
6 Northern District of Illinois. I have personal knowledge of the matters stated in this declaration
7 except those stated on information and belief, and as to those, I believe them to be true. If called
8 upon, I could and would competently testify to them.

9 2. I submit this declaration in support of Plaintiffs' Motion for Final Approval of Class
10 Action Settlement (ECF No. 232-1) and Plaintiffs' Motion for Award of Attorneys' Fees,
11 Reimbursement of Expenses, and Service Awards for Class Representatives (ECF No. 230-1).

12 3. As of September 23, 2021, I am aware of five objections submitted by six Class
13 Members, and am informed by the Settlement Administrator there are 96 opt-outs. The opt-out and
14 objection deadline expired on October 14, 2021.

15 4. On October 13, 2021, I received a letter via email from Mr. Shiyang Huang who is
16 experienced in objecting in class action settlements. He noted that he was sending the
17 correspondence "in a role differen[t] from being an objector—one I'm much more pleased to be in."
18 Mr. Huang stated that he supported Class Counsel's fee request noting, "it is refreshing that
19 Plaintiffs' Counsel is willing to start with a 'reasonable' fee award without the need to waste judicial
20 resources to battle attorney's fee request. Such outcomes should be encouraged so that Class
21 Counsels focus[] on vindicating the rights of class members, not insisting to haggle for unreasonable
22 attorney's fee awards against the best interests of class members, objectors, and the Courts." A true
23 and correct copy of Mr. Huang's letter is attached as Exhibit A.

24 5. On September 21, 2021, my office received a letter from Harriett Kostelecky that
25 appears to be an objection to the proposed Settlement relating to needing proof of purchases to make
26 a claim for more than three bottles of Move Free Advanced. A true and correct copy of this letter is
27 attached as Exhibit B. Upon receipt of her letter, my firm contacted Ms. Kostelecky and helped her
28 obtain her purchase records from Costco's customer service department. Costco provided her the

1 purchase records and she successfully submitted a claim for reimbursement of her seven purchases.
2 She later thanked those in my office for the assistance and stated she was “happy.”

3 6. After deductions for the requested awards of attorneys’ fees and reimbursement of
4 expenses, the requested Class Representative service awards, and the actual and estimated future
5 notice and settlement administration costs (ECF No. 232-2 at ¶ 34), the Net Fund available for
6 distribution to the Settlement Class is \$34,464,541.05:

Description	Amount
Settlement’s Common Fund	\$ 50,000,000.00
Proposed Attorneys’ Fees Award	\$ (12,500,000.00)
Reimbursement of Plaintiffs’ Counsel’s Expenses	\$ (658,050.95)
Estimated Settlement Administration	\$ (2,351,908.00)
Proposed Class Representative Services Awards	\$ (25,500.00)
Net Fund Available for Distribution	\$ 34,464,541.05

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13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct. Executed on October 21, 2021, at San Diego, California.

15
16 By: s/ Timothy G. Blood
17 TIMOTHY G. BLOOD

EXHIBIT A

Shiyang Huang
2800 SW Engler Ct.
Topeka, KS 66614
314-669-1858
defectivesettlement@gmail.com

BLOOD HURST & O'REARDON, LLP
TIMOTHY G. BLOOD
THOMAS J. O'REARDON II
501 West Broadway, Suite 1490
San Diego, CA 92101
619/338-1100
tblood@bholaw.com
toreardon@bholaw.com

VIA EMAIL

RE: *Yamagata v. Reckitt Benckiser LLC*, No. 3:17-cv-3529-VC, ECF No. 230, Plaintiff's Notice of Motion and Motion for Attorney's Fees and Expenses

Plaintiffs' Counsel:

My name is Shiyang Huang and I am a class member here. I am experienced in objecting in class-action settlements, and I have recovered, to date, over \$19 million for class members.¹ Today I write in a role different from being an objector—one I'm much more pleased to be in.

I write in support of the Attorney's fee requested by Plaintiffs' Counsel, if the Settlement is approved.² I voluntarily write in support of Plaintiffs' requested attorney's fee amount, and I'm certainly not paid by Plaintiffs' counsel to support it—I support it voluntarily.

Under the current circuit law, a reasonable attorney's fee is approximately 25%. *See e.g., In re Bluetooth*, 654 F.3d 935, 942 (9th Cir. 2011). Thus Class Counsel's 25% benchmark fee award appears rather reasonable.

¹ *See In re Optical Disk Drive Prods. Antitrust Litig.*, 2021 WL 3502506, at *13 (N.D. Cal. Jul. 2, 2021) ("Huang's and [another objector's] objections... have been taken into account for" a **\$17 million fee reduction** after remand); *Kukorinis v. Wal-Mart Inc.*, No. 1:19-cv-20592, ECF No. 98 at 7 & n.4 (S.D. Fla. Sep. 21, 2021) (noting Huang's sole objection resulted in class counsel's attorney's fee reduction of a total of **\$1.5 million**, including a \$60,000 recovery from class counsel's "double counting" of litigation costs.)

² Huang's letter focuses on reasonable of attorney's fee award requested alone. He takes no position on any other parts of the Settlement, Class Certification, or other awards requested.

I write in support of the amount of attorney's fee request because it is refreshing that Plaintiffs' Counsel is willing to start with a "reasonable" fee award without the need to waste judicial resources to battle attorney's fee request. By seeking a sensible attorney's fee award, I needed not object to protect class members' money, and precious judicial resources are saved as a result.

Such outcomes should be encouraged, so that Class Counsels focuses on vindicating the rights of class members, not insisting to haggle for unreasonable attorney's fee awards against the best interests of class members, objectors, and the Courts.

Respectfully,



/s/Shiyang Huang

Shiyang Huang

2800 SW Engler Ct.

Topeka, KS 66614

314-669-1858

defectivesettlement@gmail.com

EXHIBIT B

Tuesday, September 21, 2021

Court:

Class Action Clerk

United States District Court

Northern District of California

450 Golden Gate Avenue

San Francisco, Ca 94201-3489

RE: Yamagata v. Reckitt Benckiser, LLC, Case Number 3:17-cv-03529-VC

Move Free Advance Settlement

Ladies & Gentlemen:

I am 90 years old; have never done this before; but I will give this an honest try.

My husband purchased Move Free Advanced from Costco for more years than you show in your correspondence.

I am filing for the reimbursement for three bottles.

To be repaid for three bottles (200 tablets each) is a small payment for misconception of many years. Within your stated period of time (May, 2015 to June 24, 2021), a pill a day would equal approximately 2000 + tablets or approximately 100 bottles.

To have proof of payment is impossible; can you imagine, what my home would look like if I kept every sales receipt in case of a possibility. At the beginning, Costco would list the product by name on their sales slip; in recent years, only the product code is listed.

It is my thought that company's like Costco should be held accountable for products they sell to the general public. Costco has a reputation of providing excellent products and therefore, who are we to question their presentation. To be notified of this class action, someone supplied our name and address. Who was the source? That source should provide proof of purchase.

A settlement, rather than go to trial, usually means some doubt, not just costs.

Therefore, it is my thought that this is not a fair settlement. The only ones who benefit are the lawyers. I say this because what else has been accomplished?

Sincerely,

Harriett E. Kostelecky


16611 N W Pt Parkway C114

Surprise, AZ. 85374

623-214-2624

Copy to Class Counsel

BLOOD HURST & O' REARDON, LLP

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2021, I electronically filed the foregoing **Reply Declaration of Timothy G. Blood in Support of Motion for Final Approval of Class Action Settlement and Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for Class Representatives** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I further certify that I caused to be served the foregoing **Reply Declaration of Timothy G. Blood in Support of Motion for Final Approval of Class Action Settlement and Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for Class Representatives** via the United States Postal Service to the non-CM/ECF participants indicated on the attached Service List, and that there is regular communication by mail between the place of mailing and the places so addressed.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 21, 2021.

s/ Timothy G. Blood
TIMOTHY G. BLOOD

BLOOD HURST & O'REARDON, LLP
501 West Broadway, Suite 1490
San Diego, CA 92101
Tel: 619/338-1100
619/338-1101 (fax)
tblood@bholaw.com

Gordon Noboru Yamagata; Stamatis F. Pelardis v. Reckitt Benckiser LLC
Northern District of California, No. 3:17-cv-03529-VC

MAIL SERVICE LIST

Troy S. Barry
25527 Housman Pl.
Stevenson Ranch, CA 91381

Cynthia Peterson
822 Annkim Circle
Gardnerville, NV 89460

Harriett E. Kostelecky
16611 NW Pt Parkway C114
Surprise, AZ 85374

Randolph and Vivian Reddick
P.O. Box 1001
Calhoun, GA 30703

Jeffrey Murkin
26731 Patterson Drive
Monroe, OR 97456