

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DON RUPPEL, individually and on behalf of all others
similarly situated,

Plaintiff,

v.

CONSUMERS UNION OF UNITED STATES, INC.,

Defendant.

Civil Action No. 16-cv-02444-KMK

**DECLARATION OF DON RUPPEL IN SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR
ATTORNEYS' FEES, COSTS, EXPENSES, AND INCENTIVE AWARD**

I, Don Ruppel, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an adult over the age of 18 and a resident of the State of Michigan. I am the Class Representative in the lawsuit entitled *Ruppel v. Consumers Union of United States, Inc.*, Civil Action No. 16-cv-02444-KMK, currently pending in the United States District Court for the Southern District of New York. I make this Declaration in support of (i) the Motion for Final Approval of Class Action Settlement, and (ii) the Motion for Attorneys' Fees, Costs, Expenses, And Incentive Award. The statements made in this Declaration are based on my personal knowledge and, if called as a witness, I could and would testify thereto.

2. I subscribed to *Consumer Reports* magazine directly through Defendant Consumers Union of United States, Inc. ("Defendant"). I personally paid money for my subscriptions to *Consumer Reports* magazine.

3. I assisted with the litigation of this case by detailing my magazine subscription purchase history. Specifically, I described to my lawyers how I subscribed to the magazines at

issue and how much I paid. I also informed my counsel that I did not agree in writing or otherwise to allow Defendant to sell, rent, or otherwise disclose my Personal Reading Information, that I did not receive notice of such disclosures, and that I was unaware of such disclosures entirely.

4. I also worked with my attorneys to prepare the Class Action Complaint. I carefully reviewed the Class Action Complaint for accuracy and approved it before it was filed.

5. During the course of this litigation, I kept in regular contact with my lawyers. Specifically, I conferred with them regularly by phone and e-mail to discuss the status of the case. We also discussed case strategy, motions that were currently pending, document and deposition discovery, mediations, and the prospects of settlement. Furthermore, when appropriate, I informed my attorneys of additional facts for their research and consideration.

6. I also coordinated with my lawyers to search for documents that Defendant requested in formal discovery, such as copies of my magazines, documents concerning my magazine subscription purchases, and junk mailings I have received.

7. Additionally, I prepared for my deposition, and I was deposed on May 18, 2017, in New York City for approximately 4.5 hours.

8. My lawyers have kept me well informed in regard to the efforts to resolve this matter. I discussed the Class Action Settlement Agreement with them and gave my approval prior to signing it.

9. Based on the interactions and my relationship with my attorneys, I believe they have fairly and adequately represented me and the Settlement Class and will continue to do so.

10. Throughout this litigation, I understood that, as a Class Representative, I have an obligation to protect the interests of other Settlement Class Members and not act just for my own

personal benefit. I do not have any conflicts with other Settlement Class Members. I have done my best to protect the interests of other Settlement Class Members and will continue to fairly and adequately represent the Settlement Class to the best of my ability.

11. I estimate that I spent approximately 60 hours working with my lawyers on this case.

I declare under penalty of perjury that the above and foregoing is true and accurate.

Executed this 30th day of August 2018 at Saint Charles, Michigan.


Don Ruppel