

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MINERVA MARTINEZ, SANDRA SCOTT,
CARL GRAHAM, ANNE PARYS, DAVID
ORTIZ, SEAN CHAMBERS AND TIFFANY
JAMES, individually, and on behalf of a class of
similarly situated individuals,

Plaintiffs,

v.

NISSAN NORTH AMERICA INC., a Delaware
corporation,

Defendant.

Case No.: 3:22-cv-00354

District Judge Eli J. Richardson

Courtroom 5C

**DECLARATION OF GREGORY F. COLEMAN IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT
AND MOTION FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

I, Gregory F. Coleman, hereby declare as follows:

1. I am local counsel for Plaintiffs and the Settlement Class. I respectfully submit this declaration in support of the Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees, Costs, and Service Awards. If called upon as a witness, I could competently testify to the contents of this declaration.

2. I am a Senior Partner at Milberg Coleman Bryson Phillips Grossman, PLLC ("Milberg"), local counsel of record for Plaintiffs in the above-captioned action. I have been practicing law in the state and federal courts of Tennessee for over 30 years. My professional biography appears in Exhibit A.

3. Milberg has decades of experience handling complex class actions involving consumer protection and privacy cases. The firm's lawyers have been regularly recognized as leaders in the plaintiffs' bar by the National Law Journal, Legal 500, Chambers USA, and Super Lawyers, and have held – and currently hold – leadership positions in numerous and significant consumer protection-related class actions and multi-district litigation across the country, including but not limited to, *Clark v. Lumber Liquidators*, Case No. 1:15-cv-00748 (N.D. Ga.); *Floyd v. American Honda Motor Co., Inc.*, Case No. 18-55957 (C.D. Cal; 9th Cir. Court of Appeals); *Anderson v. Ford Motor Co.*, Case No. 6:2017-cv-03244 (W.D. Mo.); *Berman v. General Motors*, Case No. 18-cv-14371 (M.D. Fla.); *In re: Blackbaud, Inc., Customer Data Breach Litigation*, Case No.: 3:20-mn-02972-JMC, MDL No. 2972 (D.S.C.); *In re Allergan Biocell Textured Breast Implant Prods. Liab. Litig.*, 2:19-md-02921-BRM-ESK (D.N.J.); *In re Elmiron Products Liability Litigation*, MDL No. 2973 (D. N.J.); *Glenn v. Hyundai Motors America*, Case No. 8:15-cv-02052 (C.D. Cal.); *Hungerman v. Fluidmaster, Inc.*, Case No. 1:14-cv-10257 (W.D. Penn.); and *O'Keefe v. Pick Five Imports, Inc.*, Case No. 8:18-cv-01496 (M.D. Fla.). Additional representative cases are detailed in the firm resume, attached as Exhibit A.

4. Since Milberg's founding in 1965, it has repeatedly taken the lead in landmark cases that have set groundbreaking legal precedents, prompted changes in corporate governance, and recovered over \$50 billion in verdicts and settlements.¹ Milberg has been instrumental in obtaining precedent-setting decisions at every level, including at the United States Supreme Court.² The firm pioneered federal class action litigation and is widely recognized as a leader in defending the rights of victims of corporate and other large-scale wrongdoing. Milberg has more than 100 attorneys and has offices across the U.S. and the European Union.

5. In our capacity as Local Counsel, we have vigorously represented the interests of the Settlement Class Members throughout the course of the litigation and settlement negotiations.

6. Before filing this Action in this District, I and my staff reviewed the Complaint to assure that claims under Tennessee law were properly pleaded, and that the Complaint was in compliance with the Local Rules and practices of this Court. Since then, we have continued to advise Lead Counsel on Tennessee law and on the local rules, procedures, and filing requirements of the Middle District of Tennessee.

7. Counsel are not representing clients with interests at odds with the interests of the Settlement Class Members.

8. Counsel have vigorously and competently represented the Settlement Class Members' interests in this action and will continue to fulfill their duties to the class.

¹ See, e.g., *In re Tyco International Ltd., Securities Litigation*, MDL 1335 (D.N.H.) (serving as lead counsel and obtaining approval of \$3.2 billion settlement); *In re Prudential Insurance Co. Sales Practice Litigation*, No. 95-4704 (D.N.J.) (serving as lead counsel and recovering more than \$4 billion for policyholders); see also <https://milberg.com/outstanding-recoveries/>.

² See <https://milberg.com/precedent-setting-decisions/page/3/>.

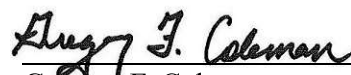
MILBERG'S FEES

9. I have reviewed a summary of Milberg's billing records for this action, which are maintained during the regular course of business and billed contemporaneously. Milberg's bill for attorneys' and professional fees is summarized in the chart below.

Professional	Title	Rate	Hours	Fees
Gregory F. Coleman, Esq.	Senior Partner	919	3.6	\$3492
Arthur Stock, Esq.	Partner	919	1.5	\$1378
Dawn Holt	Senior Litigation Specialist	208	4.8	\$998
TOTAL			9.9	\$5,868

10. The Milberg firm's rates for attorneys and litigation personnel are reasonable and competitive, and have been consistently approved by many federal and state courts in Tennessee and throughout the United States .

I declare under penalty of perjury under the laws of Tennessee that the foregoing is true and correct. Executed this 10th day of January, 2023, at Knoxville, Tennessee.



Gregory F. Coleman

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he caused a copy of the foregoing to be served upon the following counsel of record by the Court's ECF system, this DECLARATION OF GREGORY F. COLEMAN IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS, on the 12th day of January, 2023.

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Attorneys for Defendant Nissan North America, Inc.

/s/ Gregory F. Coleman
Gregory F. Coleman

EXHIBIT A



Who We Are

Established by members of Milberg Phillips Grossman LLP, Sanders Phillips Grossman LLC, Greg Coleman Law PC, and Whitfield Bryson LLP, the firm represents plaintiffs in the areas of antitrust, securities, financial fraud, consumer protection, automobile emissions claims, defective drugs and devices, environmental litigation, financial and insurance litigation, and cyber law and security.

For over 50 years, Milberg and its affiliates have been protecting victims' rights and have recovered over \$50 billion for our clients. Our attorneys possess a renowned depth of legal expertise, employ the highest ethical and legal standards, and pride ourselves on providing stellar client service. We have repeatedly been recognized as leaders in the plaintiffs' bar and appointed to leadership roles in prominent national mass torts and class actions.

Milberg challenges corporate wrongdoing through class action, mass tort, consumer, and shareholder rights services, both domestically and globally.

Milberg's previous litigation efforts helped to create a new era of corporate accountability that put big companies on notice. The strategic combination of four leading plaintiffs' firms offers clients expanded capabilities, greater geographical coverage, enhanced financial breadth, and increased operational capacity. It also enables the firm to serve diverse and global clients who are seeking to enforce their rights against well-financed corporations—wherever they operate.

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Practice Areas

Antitrust & Competition Law

Today, on a global scale, consolidated corporate entities exercise dominating market power, but proper enforcement of antitrust law ensures a fair, competitive marketplace. Milberg prosecutes complex antitrust class actions against large, well-funded corporate defendants in healthcare, technology, agriculture, and manufacturing. Our leading practitioners successfully represent plaintiffs affected by price-fixing, monopolization, monopoly leveraging tying arrangements, exclusive dealing, and refusals to deal. The firm continues aggressively vindicating rights of plaintiffs victimized by antitrust violations, holding companies accountable for anticompetitive behavior.

Complex Litigation

With 50 years of vetted success, Milberg handles complex, high-stakes cases at any stage of the litigation process. Our attorneys have experience litigating complex cases for business and plaintiffs outside of class action context, business torts, contract disputes, anti-SLAPP motions, corporations, LLCs, partnerships, real estate, and intellectual property. The repeated success of our attorneys against well-funded adversaries with top-tier counsel has established Milberg as the go-to firm for complex litigation.

Consumer Products

Milberg's consumer litigation group focuses on protecting victims of deceptive marketing and advertising of goods and services, or those who have bought defective products. Our attorneys are experienced in handling a wide array of consumer protection lawsuits, including breach of contract, failure to warn, false or deceptive advertising of goods and services, faulty, dangerous, or defective products, warranty claims, unfair trade practices, and notable product cases. Milberg has achieved real-world recoveries for clients, often requiring corporations to change the way they do business. Our team of attorneys has extensive experience representing plaintiffs against well-resourced and sophisticated defendants.

Consumer Services

Consumers have rights, and companies providing consumer services have a legal obligation to abide by contractual agreements made with customers. Companies must also follow state and federal laws that prohibit predatory, deceptive, and unscrupulous business practices. Milberg's Consumer Services litigation group protects consumers whose rights have been violated by improperly charged fees, predatory and discriminatory lending, illegal credit reporting practices, and invasion of privacy. We also enforce consumer rights by upholding The Fair Credit Reporting Act and Telephone Consumer Protection Act.

Class Action Lawsuits

Milberg pioneered federal class action litigation is recognized as a leader in defending the rights of victims of corporate and large-scale wrongdoings. We have the manpower, resources, technology, and experience necessary to provide effective representation in nationwide class action lawsuits. Our attorneys have led class actions resulting in settlements up to billions of dollars across a variety of practice areas, including defective consumer products, pharmaceutical drugs, insurance, securities, antitrust, environmental and toxic torts, consumer protection, and breach of contract.

Dangerous Drugs & Devices

For some patients, medication and medical devices improve their lives. For others, the drugs and equipment have questionable benefits, at best, and serious, unintended side effects at worst. Taking on drug and device makers requires a law firm that can stand up to the world's largest, most powerful companies. Our defective drug lawyers have held leadership roles in many national drug and device litigations, recovering billions of dollars in compensation.

Data Breach, Cyber Security & Biometric Data Lawsuits

Technology changes faster than laws regulate it. Staying ahead of legal technical issues requires a law firm that can see the full picture of innovation and apply past lessons to navigate fast-moving developments, putting consumers ahead of corporate interests. Our data breach and privacy lawyers work at the cutting edge of technology and law, creating meaningful checks and balances against technology and the companies that wield it. Cyber security threats continue evolving and posing new consumer risks. Milberg will be there every step of the way to protect consumer privacy and hold big companies accountable.

Environmental and Toxic Torts Litigation

Litigation is key in fighting to preserve healthy ecosystems and hold environmental lawbreakers accountable. But in today's globalized world, pollutants—and polluters—are not always local. Corporations have expanded their reach and ability to cause harm. Our environmental litigation practice focuses on representing clients in mass torts, class actions, multi-district litigation, regulatory enforcement, citizen suits, and other complex environmental and toxic tort matters. The companies involved in harmful environmental practices are large, wealthy, and globally influential, but as an internationally recognized plaintiffs' firm, Milberg has the strength and resources to present clients seeking to enforce their environmental rights against well-financed corporations—wherever they operation.

Finance & Insurance Litigation

Big banks and public insurance firms are obligated by their corporate charters to put shareholders' interests ahead of client interests. However, that doesn't mean they can deceive clients to profit at their expense. Milberg's attorneys handle hundreds of insurance-related disputes, including first party bad faith insurance cases, business interruption cases, and hurricane insurance cases. As one of the nation's stop class action law firms, we are well-positioned to pursue insurance bad faith cases on a statewide or nationwide basis.

Public Client Representation

The ability of governments to serve and protect their residents is often threatened by the combination of lower revenues and rising costs. Budget shortfalls are increasing in part because private companies externalize costs, but while corporate profits grow, public interest pays the price. Effectuating meaningful change through litigation, Milberg partners with state and local governments to address the harms facing its residents. Internationally, Milberg's Public Client Practice has achieved success against global powerhouse corporations, including drug, tobacco, mining, and oil and gas companies.

Securities Litigation

Over 50 years ago, Milberg pioneered litigation claims involving investment products, securities, and the banking industry by using class action lawsuits. Our litigation set the standard for case theories, organization, discovery, methods of settlement, and amounts recovered for clients. Milberg continues to aggressively pursue these cases on behalf of institutional and individual investors harmed by financial wrongdoing. Inventors of securities class actions, Milberg has decades of experience holding companies accountable both in the United States and globally.

Whistleblower & Qui Tam

Blowing the whistle on illegal or unethical conducted is a form of legally protected speech. Milberg's whistleblower attorneys have led actions that returned hundreds of millions of dollars in ill-gotten gains, resulting in significant awards of our clients. Our legacy of standing up to corporate power extends to advocating for greater transparency. In addition to representing whistleblowers, we fight back against corporate-backed laws seeking to deter them from making disclosures.

“Scoring impressive victories against companies guilty of outrageous behavior.”

- Forbes

“ A powerhouse that compelled miscreant and recalcitrant businesses to pay billions of dollars to aggrieved shareholders and customers”

- New York Times

Recent Leadership Roles

In re **Google Play** Consumer Antitrust Litigation, 20-CV-05761 (N.D. Cal.)

In re: **Elmiron** (Pentosan Polysulfate Sodium) Products Liability Litigation MDL No. 2973

In re: **Johnson & Johnson** Talcum Powder Products Marketing, Sales Practices & Products Liability Litigation

In re: **Blackbaud** Data Privacy MDL No. 2972

In re: **Paragard** IUD Products Liability Litigation MDL No. 2974

“Feared by corporate America.”
- Forbes

Notable Recoveries

\$3.2 Billion Settlement – In re Tyco International Ltd., Securities Litigation, MDL 1335 (D.N.H.)

\$4 Billion Settlement – In re Prudential Insurance Co. Sales Practice Litigation, No. 95-4704 (D.N.J.)

\$1.14 Billion Settlement – In re Nortel Networks Corp. Securities Litigation, No. 01-1855 (S.D.N.Y.)

\$1 Billion-plus Trial Verdict – Vivendi Universal, S.A. Securities Litigation

\$1 Billion Settlement – NASDAQ Market-Makers Antitrust Litigation

\$1 Billion Settlement – W.R. Grace & Co

\$1 Billion-plus Settlement – Merck & Co., Inc. Securities Litigation

\$775 Million Settlement – Washington Public Power Supply System Securities Litigation

Locations

CHICAGO

221 W. Monroe Street Suite, Suite 2100
Chicago, Illinois 60606

NEW JERSEY

1 Bridge Plaza North, Suite 275
Fort Lee, New Jersey 07024

NEW YORK

100 Garden City Plaza
Garden City, NY 11530

NORTH CAROLINA

900 W. Morgan Street
Raleigh, North Carolina 27603

PUERTO RICO

1311 Avenida Juan Ponce de León
San Juan, Puerto Rico 00907

SEATTLE

1420 Fifth Ave, Suite 2200
Seattle, Washington 98101

SOUTH CAROLINA

825 Lowcountry Blvd, Suite 101
Mount Pleasant, South Carolina 29464

TENNESSEE

800 S. Gay Street, Suite 1100
Knoxville, Tennessee 37929

518 Monroe Street

Nashville, Tennessee 37208

WASHINGTON D.C.

5335 Wisconsin Avenue NW , Suite 440
Washington, D.C., 20015





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Attorneys who have worked on this case

Greg Coleman **Senior Partner**

Greg Coleman is a Senior Partner of Milberg Coleman Bryson Phillips Grossman LLP and based in Knoxville, Tennessee. He has over 30 years of trial and appellate experience. Greg received his B.A. with highest honors and distinction from Jacksonville State University in 1986. He attended The University of Tennessee College of Law, graduating in 1989. In addition to distinguishing himself academically, Mr. Coleman was a member of the National Trial Moot Court Team, was the recipient of the American Jurisprudence Award for National Trial Team and was listed in Who's Who Among Rising Young Americans. In addition, the College of Law bestowed upon Greg the honor of inclusion into the National Order of Barristers for outstanding oral advocacy and trial skills.

Mr. Coleman's practice focuses on class actions, products liability, medical practice, personal injury, complex multi-district litigation, litigation, toxic torts, premises liability, ERISA, ERISA class actions, drug and medical device litigation, and workers' compensation.

Leadership Roles

He is co-lead counsel in a defective products case against Electrolux where he and co-counsel successfully obtained a settlement on behalf of a class of more than one million members regarding defectively manufactured dryers. The settlement resulted in an expected utilization settlement value of over \$35 Million. Greg was lead trial counsel in an ERISA class action against AK Steel Corporation where he successfully obtained a \$178.6 million settlement on behalf of a class of over 3,000 retirees of AK Steels Butler Works Plant in Pennsylvania in 2011.

Mr. Coleman was also lead trial counsel in an ERISA class action case against AK Steel Corporation where he successfully obtained a \$15.8 million settlement on behalf of a class of over 250 retirees of AK Steels Zanesville Works Plant in Ohio in 2012. He was lead counsel in a week-long trucking accident trial where he obtained the largest negligence verdict in the state of Tennessee for 2009. *Jenkins v. Keeble*, Davidson County. He has been co-lead counsel in a class action case involving Jewelry Television. He was also co-lead counsel in a Fair Labor Standards Act case against Westgate Resorts styled *Davis v. Planet Hollywood Las Vegas* in U.S.D.C., District of Nevada, which has now been settled. Additionally, Greg was co-lead counsel in a Fair Labor Standards Act case against Westgate Resorts styled *Watson v. Westgate Resorts, Inc.* in U.S.D.C., Eastern District of Tennessee, which has been settled. Greg Coleman has been and is currently involved in complex product liability and drug product liability litigation and has tried more than one hundred (100) jury trials and countless other bench trials during his career. He has tried jury trials in states other than Tennessee and has been admitted *pro hac vice* in complex matters around the country, including a six-week long jury trial in Sacramento, California, for which he was lead counsel.