

**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 MELISSA S. WEINER IN SUPPORT OF
PLAINTIFFS' RESPONSE IN SUPPORT OF
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Melissa S. Weiner, hereby declare as follows:

1. I am a Partner at Pearson Warshaw, LLP and counsel for Plaintiffs and the Settlement Class. I respectfully submit this declaration in support of Plaintiffs' Response in Support of Final Approval of Class Action Settlement filed concurrently herewith. If called upon as a witness, I could competently testify to the contents of this declaration.
2. The Court granted preliminary approval of the Settlement on August 17, 2022. *See* ECF No. 31.
3. Plaintiffs filed their Motion for Final Approval of Class Action Settlement (ECF No. 48, "Motion for Final Approval") and Motion for Attorneys' Fees, Costs/Expenses, and Class Representative Service Awards (ECF No. 50, "Motion for Attorneys' Fees") on January 12, 2023.
4. The objection and opt-out deadline expired on February 13, 2023. As more fully set forth in the Second Supplemental Declaration of Lana Cooper RE: Exclusion Request (ECF No. 71), there were 1,334 requests for exclusion and six objections. *See* ECF Nos. 64 (Nieto Objection), 65 (Robbins Objection), 66 (Bennett Objection), 67 (Cox Objection). Mr. Cappello and Mr. Vinson did not file their objections with the Court, thus, for the Court's consideration and convenience, they are attached hereto as Exhibits A and B, respectively.
5. Of the six purported objections, two have since been withdrawn. Specifically, Gregory J. Capello (Ex. A) and Da'Lisa Lynette Bennett (ECF No. 66) confirmed through Plaintiffs' counsel that they intended to opt out of the Settlement and did not want to object. *See* Declaration of Gregory J. Cappello and Declaration of Da'Lisa Lynette Bennett attached hereto as Exhibits C and D, respectively.
6. Notably, there were no objections to the Motion for Attorneys' Fees.
7. Plaintiffs' Counsel has continued to work diligently on this matter, including but not limited to administering the Settlement, communicating with Class Members and defense counsel,

monitoring and working with the Settlement Administrator, and providing necessary updates to the Court.

8. Plaintiffs' Counsel provides the following updated time and expense numbers for the Court's review, which I have personally collected from Plaintiffs' Counsel:

	As Reported in the Motion for Attorneys' Fees (case inception through January 6, 2023)	From January 6, 2023 through February 28, 2023	Total from case inception through February 28, 2023
Hours	2,507.2	191.6	2,698.8
Lodestar	\$1,458,315.50	\$128,612.50	\$1,586,928.00
Fee Request ¹	\$3,478,291.07	-	\$3,458,232.09
Multiplier	2.39	-	2.18
Cost Reimbursement Request ¹	\$21,708.93	\$20,322.79	\$41,767.91
Class Representative Service Award Request	\$5,000 to each Class Representative (for a total of \$35,000)	No Change	\$5,000 to each Class Representative (for a total of \$35,000)

9. As more fully set forth in the Motion for Final Approval, based on my experience I strongly believe that this Settlement is fair, reasonable and adequate, and that the Court should overrule the objections and enter the proposed Order Granting Final Approval of the Class Action Settlement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6th day of March, 2023, at Wayzata, Minnesota.

/s/ Melissa S. Weiner

Melissa S. Weiner

¹ The Settlement Agreement allows for a total request for both attorneys' fees and costs of \$3,500,000.00. See Settlement Agreement ¶ 107.