

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

MAX STORY, *et al.*, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

HEARTLAND PAYMENT SYSTEMS,  
LLC,

Defendant.

No. 3:19-cv-724-TJC

**DECLARATION OF LISA R. CONSIDINE, ESQ. IN SUPPORT OF  
PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

1. I am an attorney-at-law licensed and in good standing in the States of New Jersey and New York. I am a partner at the law firm of Siri & Glimstad LLP (“S&G”), and *pro hac vice* counsel for Plaintiffs Nancy Murrey-Settle and Max Story and the proposed class in this matter (“the Florida Action”). I am also counsel for plaintiffs Deborah Mazzei, Allen Call, and Kristen Call in the matter captioned *Mazzei et al. v. Heartland Payment Systems, LLC*, Case No. 1:20-cv-14929-RMB-SAK (D.N.J.) (the “New Jersey Action”).<sup>1</sup> I submit this declaration in support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement.

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<sup>1</sup> The New Jersey Action was stayed and administratively terminated on September 19, 2023 pending a decision on class certification in the above-captioned matter.

I make this Declaration of my own personal knowledge (except where indicated), and if called to do so, I could testify competently to the matters stated within.

2. David J. DiSabato is also a partner at the law firm of Siri & Glimstad LLP. He is an attorney-at-law licensed and in good standing in the State of New Jersey. Mr. DiSabato has spent his entire career litigating class actions, particularly those dealing with the financial services industry and consumer fraud, representing both defendants and plaintiffs. He has extensive experience representing plaintiffs in class actions and consumer rights litigation in both state and federal courts. He also has experience in complex commercial litigation matters, having represented both plaintiffs and defendants over the course of his career.

3. S&G is a national class action firm with decades of combined global experience fighting to deliver justice and preserve individuals' rights against big-industry misconduct, having represented and achieved compensation on behalf of millions of class members. Information regarding S&G's experience, including biographical information for each attorney, can be found here: <https://www.sirillp.com/class-action-attorneys/?staff-page-no=1>. Specifically, S&G was approved as class counsel in a class action alleging violations of Illinois' Genetic Information Privacy Act ("GIPA") which resulted in a settlement of \$17,500,000 to a class of 16,000 members, in the first-of-its-kind settlement under GIPA. *See Page, et al. v. Ford Motor Company*, Case No. 2024LA000148 (Ill. Cir. Ct., Sangamon Cty.) (certifying David J. DiSabato as class counsel). Similarly, S&G was approved as

class counsel in a class action brought under the Telephone Consumer Protection Act, which resulted in a settlement of \$25,000,000 (plus free satellite radio service) to a potential class of over 14 million customers. *See Buchanan v. Sirius XM Radio, Inc.*, Case No. 3:17-cv-00728 (N.D. Tex.). S&G was also trial co-counsel for plaintiffs in an ERISA matter filed as a class action involving breaches of fiduciary duty related to the management and termination of an Employee Stock Ownership Plan, which settled after the beginning of trial for \$1,080,000 for the Class. *See Kindle v. Dejana*, Case No. 14-cv-06784 (E.D.N.Y.).

4. S&G is serving as settlement class counsel in: (1) *Reedy, et al. v. Everlywell, Inc.*, Case No. 1:24-cv-02713 (N.D. Ill.), which received preliminary approval for a settlement involving 2 million class members and a \$5,000,000 non-reversionary settlement fund; (2) *Carter, et al. v. Vivendi Ticketing US LLC d/b/a See Tickets*, No. 8:22-cv-01981 (C.D. Cal.), which received final approval for a settlement involving 437,310 class members and a \$3,000,000 non-reversionary settlement fund; (3) *Gilleo et al. v. California Pizza Kitchen, Inc.*, No. 8:2021-cv-01928-DOC-KES (C.D. Cal.), which settled with over \$2,000,000 of relief going to the class members; (4) *Armstrong et al. v. Gas South, LLC*, Case No. 22106661 (Sup. Ct. Cobb Cty., Ga.), which received final approval for a settlement involving 38,671 class members and valued at over \$9 million; (5) *Medina v. Albertsons Companies, Inc.*, Case No. 1:23-cv-00480 (D. Del.), which received final approval for a settlement involving 33,000 class members and a \$750,000 non-reversionary settlement fund; and (6) *In re Sovos*

*Compliance Data Security Incident Litigation*, Case No. 1:23-cv-12100-AK (D. Mass.), which received final approval for a settlement involving roughly 490,000 class members and a \$3,534,128.50 non-reversionary settlement fund. S&G is also serving as court-appointed interim class counsel in: (1) *Fares v. Char-Broil, LLC*, Case No. 1:24-cv-04878 (N.D. Ill.) (appointed as interim co-lead class counsel); (2) *Pulliam v. West Technology Group*, Case No. 8:23-cv-159 (D. Neb.) (same); (3) *Perez v. Carvin Wilson Software LLC*, Case No. cv-23-00792 (D. Ariz.) (same); (4) *Nulf v. Alvaria, Inc., et al.*, Case No. 1:23-cv-10999 (D. Mass.) (same); (5) *Rasmussen et al. v. Uintah Basin Healthcare*, Case No. 2:23-cv-00322 (D. Utah) (same); (6) *In re Family Vision Data Security Incident Litigation*, Case No. 2023CP0401671 (S.C., County of Anderson) (same); (7) *Boudreaux v. Systems East, Inc.*, Case No. 5:23-cv-01498 (N.D.N.Y.) (same); (8) *Scott et al v. Union Bank and Trust Company*, Case No. 4:23-cv-03126 (D. Neb.) (same, wherein the court commented that “proposed interim co-lead counsel are experienced and qualified attorneys, and each has knowledge of the applicable law, experience in managing and prosecuting cases involving data security and privacy, notable successes against large corporate defendants, and resources they are willing to expend to litigate these cases”); (9) *In re Data Security Litigation Against Brightline, Inc.*, Case No. 3:23-cv-02132 (N.D. Cal.) (appointed as track lead in the Fortra multidistrict litigation pending in the Southern District of Florida); (10) *Cain et al v. CGM, L.L.C. d/b/a CGM, INC.*, Case No. 1:23-cv-02604 (N.D. Ga.) (same); (11) *Krenk et al. v. Murfreesboro Medical Clinic, P.A. D/B/A Murfreesboro Medical Clinic &*

*Surgicenter*, Case No. 75CC1-2023-CV081005 (Tenn. 16th Judicial Cir. Court, Rutherford Cty.) (same); and (12) *In re Zeroed-in Technologies, LLC Data Breach Litigation*, Case No. 2:23-cv-01131 (M.D. Fla.) (same).

5. David J. DiSabato and I have been involved in the above-captioned matter since August 2020, when we undertook an investigation of claims against Heartland for the purpose of filing a nationwide class action in the District of New Jersey. We located and were retained by a qualified client in New Jersey and proceeded to research and develop claims under New Jersey law that were later incorporated into the Florida Action.

6. Because Heartland's Terms of Service required that all disputes against it be resolved in New Jersey, we brought the action in New Jersey. At all times, we were acting in coordination with Varnell & Warwick P.A. ("Varnell & Warwick"), who also entered appearances in New Jersey.

7. We performed extensive work in developing the claims in the New Jersey Action, including work involving the New Jersey Consumer Fraud Act, N.J.S.A. §§ 56:8-1 et seq., that was then incorporated into amended versions of the complaint in the Florida Action.

8. As dispositive motions were filed in the Florida Action in early 2021, we assisted with the assessment of those motions, as well as with the strategy, research and drafting of Plaintiffs' oppositions to those motions, in concert with Varnell & Warwick.

9. As we opposed similar dispositive motions in the New Jersey Action, we continued to contribute to the progress of the Florida Action by providing research and drafting where required by Varnell & Warwick throughout 2022.

10. In late 2022, when Lieff Cabraser Heimann & Bernstein, LLP (“LCHB”) entered an appearance on behalf of Plaintiffs with our firm and Varnell & Warwick, we continued to work through the New Jersey Action on overlapping discovery issues in an effort to obtain the full range of discovery needed, where that discovery was limited or denied in the Florida Action.

11. Throughout the rest of 2022 and through 2023, we worked closely with LCHB to maximize the discovery we could obtain in New Jersey for the benefit of the Florida Action.

12. We invested significant effort and time in advancing the Florida Action through our efforts in New Jersey, and, in doing so, contributed significantly to the ultimate resolution of this matter.

Executed in Rutherford, New Jersey on this 1st day of April, 2025.

/s/ Lisa R. Considine, Esq.  
Lisa R. Considine, Esq.