

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMI KANDEL, MOCHA GUNARATNA, and
RENEE CAMENFORTE, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

DR. DENNIS GROSS SKINCARE, LLC, a New
York Limited Liability Company,

Defendant.

Case No. 1:23-cv-01967-ER

Honorable Edgardo Ramos

DECLARATION OF YANA HART IN SUPPORT OF PLAINTIFFS' *UNOPPOSED*
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

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*Attorneys for Plaintiffs and the Settlement
Class*

I, Yana Hart, hereby declare as follows:

1. I am a partner at Clarkson Law Firm, P.C. (“**Clarkson**”) and counsel of record for Plaintiffs Jami Kandel, Mocha Gunaratna, and Renee Camenforte (“**Plaintiffs**”). I am licensed to practice in all state and federal courts in the State of California, and I am a member in good standing of the State Bars of California, Florida, and the District of Columbia. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently thereto. I make this declaration in support of Plaintiffs’ unopposed motion for preliminary approval of class action settlement.

2. I have been the lead day-to-day counsel in both *Gunaratna* (Case No. 2:20-cv-02311-MWF-GJS (C.D. Cal.)), and *Kandel* (Case No. 1:23-cv-01967-ER) actions in California and New York.

3. Our office has conducted extensive investigation of Plaintiffs’ claims both of factual and legal nature, prior to the filing of the complaint.

4. Our office has committed significant time, resources, and costs into prosecuting the two cases, to finally posture both cases for this favorable settlement. In *Gunaratna*, the Parties have vigorously litigated for over four years in preparation of this case for trial. Our office deposed over a dozen of Defendant’s and third-party witnesses’ corporate designees, experts, and purchasers. Our office received and thoroughly reviewed and analyzed thousands of records, subpoenaed third parties, briefed discovery and merit-based motions, engaged experts, and conducted surveys. The Parties engaged in multiple rounds of fact, class, and expert discovery. The highly contentious litigation in *Gunaratna* led to the Parties briefing countless motions—from dispositive (motions to dismiss/summary judgment/judgment on the pleadings) to non-dispositive motions (discovery, transfer, etc.). Plaintiffs overwhelmingly prevailed throughout litigation in *Gunaratna* action (and in the recent order on the motion to dismiss in *Kandel* action); however, Plaintiffs and counsel have been mindful of potential risks of trial in both actions.

5. Throughout the four years of litigation in the *Gunaratna* action and about a year of litigation in *Kandel*, the Parties have not been able to engage in fruitful settlement discussions,

until very recently. On February 8, 2024, the Parties participated in a virtual, full-day mediation with the Honorable Peter D. Lichtman (Ret.) of Signature Resolution in Los Angeles, California. After the full day mediation, the case settled in principle.

6. After substantial further negotiation on other non-monetary terms, the Parties executed the Settlement Agreement on June 24, 2024.

7. Based on our extensive experience in complex litigation and class action, and intimate knowledge and understanding of the issues in this particular case, we believe that the Settlement reached in this action is fair, reasonable, adequate, and is in the best interests of the class.

Experience/Training

8. I graduated *summa cum laude* from Cabrini College in 2012, and after graduating as the Valedictorian of the Thomas Jefferson School of Law in 2015, I was licensed to practice within that year. Starting from 2015 through the end of 2016, I was an adjunct professor at the San Diego University of Integrated Studies, teaching various legal classes. Once I was licensed in 2015, I opened my own practice, focusing my practice on immigration and consumer-related issues. Shortly after opening my own practice, I was often retained as a contract attorney by several prominent class action firms to prepare motions for summary judgment, oppositions to demurrers/motions to dismiss or motions for summary judgments, and even appellate briefs on consumer-related issues in various complex consumer class actions and large individual cases.

9. From early 2016, I began focusing the majority of my practice towards consumer-oriented issues, while I also volunteered with the San Diego Superior Court (Small Claims Legal Advisory), El Cajon Legal Clinic, and California Appellate Self-Help Workshop in educating people individuals on legal and procedural issues.

10. In 2016, I joined Hyde & Swigart, APC (several years later merged with Kazerouni Law Group, APC), and began litigating a substantial number of complex cases, focusing almost exclusively (over 95%) on consumer-related matters, including but not limited to privacy claims, false advertising and fraud-related claims, privacy actions, violations under the Fair Debt

Collection Practices Act, Telephone Consumer Protection Act, Fair Credit Reporting Act, and other California statutes. A substantial number of my cases included complex class actions on which I was assigned as the day-to-day lead counsel. Since I completed complex substantive projects for Hyde & Swigart APC prior to joining the firm (on a contract basis), the firm trusted me to handle cases with minimal supervision. Within only a year, I was supervising junior associates, and handling an exponentially larger case load of complex matters.

11. Due to my successful litigation of various consumer-related matters (on both class action and individual basis) and my mentorship of junior associates, I was promoted to a senior role - Managing Associate of the San Diego office within a few years. As a Managing Associate, I oversaw litigation by junior associates, while also managing/supervising all employees at the San Diego Office (at least 10 employees, consisting of attorneys, paralegals, and support staff). Since I joined Clarkson, I have been leading a team of associates and litigating complex class actions and mass actions in matters relating to fraud, privacy, and other consumer issues. Within a year of my senior associate role at Clarkson, I was promoted to partner.

12. Since 2016, I have litigated hundreds of consumer cases, in federal and state courts across California (and a number of cases nationwide – including cases filed in or transferred to the federal courts in Virginia, Florida, Illinois, Nevada, and New York). These cases consisted of both complex class actions and individual cases.

13. I am currently licensed in California, Florida, and the District of Columbia. I also have been admitted to the Ninth Circuit Court of Appeals since 2016 and the Supreme Court of the United States since 2024.

14. I predominantly practice in the Central and Northern Districts of California; however, I am admitted to, and have litigated cases in every District in California, and state courts throughout California. I have also successfully litigated cases in multiple district courts outside of California on a pro hac vice basis.

15. I drafted numerous successful motions and oppositions on consumer-related issues, resulting in favorable published opinions on WestLaw and/or LexisNexis.¹

16. I have attended, defended, and taken countless depositions in complex class actions and individual cases. I handled a substantial number of mediations, both Court-mandated mediations and private mediations, also on a class-wide basis and on an individual basis.

17. I also have successfully briefed cases on appeal (on both Federal and State levels).

18. I prepared several matters for bench and jury trials,² including on class basis (including motion related work, jury instructions, verdicts, etc.), and I second chaired a jury trial in an individual matter in the Southern District of California with one of my former partners.

19. I have also undergone substantial training in the area of consumer law and have attended annual conferences by the National Association of Consumer Advocates (and several other well-recognized consumer organizations), to ensure that we receive the latest updates on various legal issues related to consumer and privacy law.

Publications

20. In October 2020, my article “*The Impact of Smith v LoanMe on My Right to Privacy Against Recording Telephone Conversations*” was published in the Gavel magazine (by the Orange County Trial Lawyers Association).

21. On March 30, 2021, my article “*Stopping Collection Abuses in Medical Debt*” was published in Forum magazine (by Consumer Attorneys of California).

¹ See *Gunaratna v. Dennis Gross Cosmetology*, 2020 U.S. Dist., LEXIS 249995, 2020 WL 8509681 (C.D. Cal., Nov. 13, 2020) (denying defendant’s motion for summary judgment and motion to dismiss in a putative class action); *Trim v. CMRE Fin. Serv.*, No. 20-cv-451-AJB-LL, 2021 U.S. Dist. LEXIS 48060, at *1 (S.D. Cal. Mar. 12, 2021) (denying motion to dismiss in a putative class action); *Aleisa v. Square, Inc.*, 493 F. Supp. 3d 806, 808 (N.D. Cal. 2020) (denying motion to dismiss in a putative class action, although granting a motion to stay based on a relevant pending case before the U.S. Supreme Court); *Dalton v. Anovos Prods., LLC*, No. CV 19-4821-MWF-KS, 2020 U.S. Dist. LEXIS 56778, at *4 (C.D. Cal. Mar. 31, 2020) (denying motion to dismiss in a substantial part in a putative class action). This list is based on a very small sample of some favorable opinions I have obtained.

² Ultimately, most cases, except for a few, resolved either on the day of trial or shortly prior to trial.

Speaking Engagements

22. I have participated as a guest speaker at various conferences and events, to discuss consumer-related issues. Some of my recent speaking engagements are detailed below.

23. On November 19, 2020, I presented at an event organized by Project Life, educating consumers on the issues related to the Fair Credit Reporting Act.

24. On January 26, 2021, I presented at an event organized by California Western School of Law for the local communities on consumer-related topics/issues (including but not limited to credit reporting/debt-related issues).

25. On February 24, 2021, I was a guest speaker for California Western School of Law, Community Law Project, presenting on consumer-related issues addressing various areas of consumer law (focusing on fraud-related issues/actions).

26. Between January/February 2021, I was a guest speaker at the Consumer Financial Services Committee on consumer-related issues/actions.

27. On September 2, 2021, I was a guest speaker at a conference in Las Vegas, on the issues related to consumer law, discussing several topics, one of which included legal strategies related to false advertising cases.

28. On February 24, 2022, I was a guest speaker at a conference in San Diego, on the issues related to consumer law, discussing various topics regarding handling complex and mass litigation of various consumer claims, including false advertising cases, data breaches, and other consumer claims.

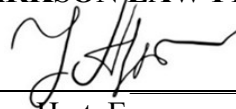
29. On March 14, 2023, I was a guest speaker at the 5th Annual Class Action Law Forum in San Diego, discussing several topics regarding class certification, notice & damages, class action waivers, arbitration clauses, product liability & consumer food labeling, and privacy class actions.

30. On May 3, 2023, I was a guest speaker at the Class Action Workshop Session in New Orleans, discussing several topics regarding handling effective consumer mass actions.

31. On September 4, 2023, I was a guest speaker at a conference in Laguna Niguel, on the issues related to consumer law discussing several topics regarding handling complex and mass litigation of various consumer claims, including false advertising cases, data breaches, and other consumer claims.

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is true and correct. Executed on June 25, 2024 at San Diego, California.

CLARKSON LAW FIRM, P.C.



Yana Hart, Esq.

*Attorneys for Plaintiffs and
the Settlement Class*