

**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 MOCHA GUNARATNA IN SUPPORT OF PLAINTIFFS’
MOTION FOR AWARD OF ATTORNEYS’ FEES AND COSTS AND SERVICE
AWARDS**

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*Counsel for Plaintiffs and the Proposed
Classes*

1. I, Mocha Gunaratna, Class Representative in this action, respectfully submit this Declaration in support of Plaintiffs' Motion for Award of Attorneys' Fees and Costs and Service Awards. I have personal knowledge of all the facts stated herein, and if called to testify as a witness, I could and would competently testify to them.

2. Unless otherwise defined, capitalized terms in this Declaration have the same meaning as set forth in the Settlement Agreement dated June 24, 2024, which is attached as **Exhibit A** to the declaration of Ryan J. Clarkson in support of Plaintiffs' Motion for Award of Attorneys' Fees and Costs and Service Awards.

3. I am a member of the Settlement Class of purchasers of the Class Products. I purchased the C+ Collagen Deep Cream, and C+ Collagen Serum Products at a Sephora store located at the Grove in Los Angeles, California in 2018, for approximately \$75 each.

4. I decided to be a plaintiff in this case because I believe that companies should truthfully label and advertise their products so that consumers know what they are buying, spending their money on, and physically consuming.

5. Before bringing this lawsuit, I understood and agreed to the following:

- a. A class representative represents the interests of all members of the class;
- b. A class representative always considers the interests of the class just as she would consider his own interests;
- c. A class representative participates in the lawsuit, such as by testifying at deposition and trial, answering written questions and providing documents, and by keeping generally aware of the status and progress of the lawsuit;
- d. I have volunteered to represent the class in this lawsuit because I believe that Defendant's alleged conduct is wrong, that companies should not be allowed

to make false or exaggerated advertising claims about their products, and consumers have a right to know what they are buying.

6. I have no conflicts of interest with any other Settlement Class Member, and I am willing and able to continue to serve as Class Representative.

7. At all times during this litigation, I have endeavored to fully discharge my obligations to the Class as Class Representative. To that end, I have: (1) stayed in constant communication with Class Counsel concerning this action; (2) remained fully informed about case developments; (3) routinely reviewed the various pleadings and motions filed in this action; (4) reviewed other documents related to the case; (5) closely monitored and actively participated in settlement discussions; (6) responded to Defendant's discovery requests; (7) attended a stressful, full day deposition; and (8) carefully reviewed the settlement documents in order to understand and approve the terms of the settlement and the benefits to the class. I agreed to the terms set forth in the Settlement, subject to the Court's approval.

8. My service as Class Representative in the Actions began with the filing of the complaint in *Gunaratna v. Dennis Gross Cosmetology LLC & Dennis Gross Dermatology LLC*, No. 20-cv-02311-MFW-GJS, which I reviewed and discussed extensively with Class Counsel before filing on March 10, 2020. Since initiating this case, I have faithfully and diligently discharged my duties as Class Representative, and I have worked closely with my attorneys to ensure the efficient and effective prosecution of the Actions.

9. I engaged in extensive class certification discovery during which I responded to Defendant's discovery requests and reviewed business records produced by Defendant. Throughout the discovery process, I remained apprised of relevant information produced by Dr. Dennis Gross and the activities of Class Counsel.

10. I actively participated in pre-mediation discussions intended to facilitate settlement of the Actions. On February 8th, 2024, this case was mediated with the Honorable Peter Lichtman (Ret.) of Signature Resolution in Los Angeles, California. During the mediation, the parties accepted the mediator's proposal, leading to the Settlement.

11. Based on my involvement in the litigation and settlement negotiations in this action, I believe that the Settlement is fair, reasonable, and adequate to the Settlement Class. I also believe that the Settlement represents a favorable recovery, considering the substantial risks were litigation to continue. I therefore endorse approval of the Settlement by the Court.

12. I believe that Class Counsel's request for a Fees and Costs is fair and reasonable under the circumstances of this case. I have evaluated the fee request by considering the efficient prosecution of the action, the amount and quality of the work performed, and the recovery obtained for the Settlement Class. I understand that Class Counsel will also devote additional time in the future to administering the Settlement, without requesting additional compensation. I appreciate that Class Counsel invested hundreds of thousands of dollars in costs and millions of dollars in attorney time to achieve an excellent result after years of litigation with no guarantee of recovery or payment.

13. I further believe that Class Counsel's litigation expense reimbursement request is reasonable and represents costs and expenses necessary for the prosecution and resolution of the claims. Based on the foregoing, and consistent with my obligation to the Settlement Class to obtain the best result at a reasonable cost, I support Class Counsel's application for a Fees and Costs Award.

14. In conclusion, I endorse the Settlement as fair, reasonable, and adequate, and believe it represents a favorable recovery for the Settlement Class considering the significant risks

of continued litigation. I further support Class Counsel's Fees and Costs Award application and believe that it represents fair and reasonable compensation for counsel.

15. I remain ready, willing, and able to continue to represent the interests of the class throughout the settlement process.

I declare under penalty of perjury under the laws of the United States and the States of Washington and New York that the foregoing is true and correct.

Executed on 8/28/2024 at Seattle, Washington.



Mocha Gunaratna