

FITZGERALD MONROE FLYNN PC

JACK FITZGERALD (SBN 257370)

jfitzgerald@fmfpc.com

MELANIE PERSINGER (SBN 275423)

mmonroe@fmfpc.com

TREVOR M. FLYNN (SBN 253362)

tflynn@fmfpc.com

PETER GRAZUL (SBN 342735)

pgrauzl@fmfpc.com

2341 Jefferson Street, Suite 200

San Diego, CA 92110

Phone: (619) 215-1741

Class Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RALPH MILAN and ELIZABETH ARNOLD on
behalf of themselves, those similarly situated and the
general public,

Plaintiffs,

v.

CLIF BAR & COMPANY,

Defendant.

Case No: 18-cv-02354-JD

DECLARATION OF ELIZABETH ARNOLD

Judge: Hon. James Donato
Hearing: November 14, 2024, 10:00 a.m.
Location: Courtroom 11, 19th Floor

1 I, Elizabeth Arnold, declare:

2 1. I am a Class Representative in this matter and make this declaration based on my own personal
3 knowledge. I could and would competently testify to the facts stated herein if called to do so.

4 2. I have been working with my attorneys on this matter since approximately March 2018 when
5 I first discussed the case, my purchases, and how I was deceived by the labels with them. At that time, and
6 ever since, for over six years, I have been in periodic contact with my attorneys about the case.

7 3. In March 2018, I had a lengthy phone call with attorney Richelle Kemler, and then in April
8 2018, a number of shorter phone calls to assist with filling in details for the complaint. I estimate these calls
9 collectively lasted about one hour.

10 4. During March and April 2018, I worked with my attorneys, including Mr. Joseph and Jack
11 Fitzgerald, to prepare the Complaint for filing and to give Clif notice of its violations. I estimate I spent
12 approximately two hours looking at the Complaint and communicating with my counsel to provide any
13 needed details.

14 5. From February to March 2020, I worked with my counsel to respond to discovery requests
15 from Clif. These consisted of 25 interrogatories and 55 requests for production of documents. In May, July,
16 and October 2020, I worked with my counsel to provide supplemental responses to Clif's interrogatories and
17 requests for production. In total, I estimate I spent about five hours working on my discovery responses and
18 searching for responsive documents.

19 6. On April 27, 2020, I was deposed in this matter, via Zoom. I spent approximately nine hours
20 being deposed, including time spent before and after the deposition with my attorneys. Prior to the deposition,
21 I worked with my counsel to prepare for my deposition, spending approximately two hours on that
22 preparation.

23 7. There were several mediations and a settlement conference in this matter. Before each, I spoke
24 with my attorneys and was expected to be available to participate when called upon to do so, including to
25 evaluate any proposed settlements on behalf of the class. For each, I made myself available during the entirety
26 of the session and would frequently discuss, sometimes at length, offers and counteroffers with the attorneys.
27 This was sometimes quite difficult due to the time difference between myself and my attorneys, but I always

1 made sure to remain available for the entirety of those sessions. Collectively, I spent approximately ten hours
2 discussing preparing with my counsel for these sessions, considering settlement offers, and waiting to address
3 any offers or counteroffers, over the course of the various mediation sessions. Additionally, I was present for
4 the entirety of the approximately two-and-one-half hour Zoom settlement conference on January 13,
5 2022.

6 8. I was prepared to travel from New York to San Francisco to participate in, and testify at trial.

7 9. Throughout the many years I have spent as a named plaintiff and Class Representative in this
8 case, I have numerous times consulted with, or been consulted by, my attorneys. I reviewed each filing that
9 was relevant to me before it was filed. In addition to the specific matters detailed herein, given that I would
10 regularly communicate with my counsel on the status of the case for over six years, I estimate I have spent
11 about an hour per quarterly year (or about four hours per year) working on miscellaneous case-related
12 matters, reviewing filings, responding to phone calls and emails, discussing the status of the case, and
13 reviewing and signing the settlement agreement. Although some months required more time than others, on
14 average, over the life of the case, I spent approximately 24 hours between March 2018 and mid-2024 on
15 miscellaneous matters.

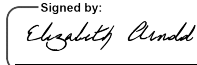
16 10. In sum, I believe I have dedicated approximately 55.5 hours participating in this case and
17 fulfilling my duties as a Class Representative.

18 11. I understand that as Class Representative, I am representing other purchasers of the Clif Bar
19 products at issue in this case. I understand that I have a fiduciary duty to the Class, and am obligated to make
20 decisions in the best interest of the whole Class and all Class Members. I have reviewed the Settlement
21 Agreement and believe the settlement is in the best interests of the class.

22 12. I have no separate agreements with Clif or my attorneys to receive any compensation relating
23 to this matter, other than what the Court may grant.

24 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

25 Executed on September 6, 2024, in Buffalo, New York.

26 By: 
BSC131879B07450
Elizabeth Arnold