

PEARSON, SIMON & WARSHAW, LLP
15165 VENTURA BOULEVARD, SUITE 400
SHERMAN OAKS, CALIFORNIA 91403

1 DANIEL L. WARSHAW (Bar No. 185365)
dwarshaw@pswlaw.com
2 BOBBY POUYA (Bar No. 245527)
bpouya@pswlaw.com
3 MATTHEW A. PEARSON (Bar No. 291484)
mapearson@pswlaw.com
4 ALEXANDER R. SAFYAN (Bar No. 277856)
asafyan@pswlaw.com
5 **PEARSON, SIMON & WARSHAW, LLP**
6 15165 Ventura Boulevard, Suite 400
7 Sherman Oaks, California 91403
8 Telephone: (818) 788-8300
9 Facsimile: (818) 788-8104

10 Attorneys for Plaintiff James Eashoo,
11 individually and on behalf of all others
12 similarly situated

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

16 JAMES EASHOO, individually and on
17 behalf of all others similarly situated,

18 Plaintiff,

19 vs.
20

21 IOVATE HEALTH SCIENCES U.S.A.,
22 INC.,

23 Defendant.
24
25
26
27
28

CASE NO. 2:15-cv-01726-BRO-PJW

CLASS ACTION

**DECLARATION OF JAMES
EASHOO FOR ATTORNEYS'
FEES, LITIGATION COSTS, AND
INCENTIVE AWARD**

Date: April 4, 2016
Time: 1:30 p.m.
Crtrm: 14 – Spring Street
Judge: Hon. Beverly Reid O’Connell

PEARSON, SIMON & WARSHAW, LLP
15165 VENTURA BOULEVARD, SUITE 400
SHERMAN OAKS, CALIFORNIA 91403

1 I, James, Eashoo, declare:

2 1. I am a Plaintiff and the representative of the Class in the above entitled
3 action. The facts set forth herein are true of my own personal knowledge, and if
4 called upon to testify thereto, I could and would competently do so under oath.

5 2. In 2015 I retained Pearson, Simon & Warshaw, LLP (“PSW”) to
6 represent me in a class action lawsuit against Iovate Health Sciences U.S.A., Inc.
7 (“Defendant”) for mislabeling their protein supplements. I believe I was harmed by
8 Defendant’s actions and my goal in filing this lawsuit was to obtain relief for the
9 class members who were deceived by Defendant’s false and misleading advertising,
10 marketing, and labeling of its protein supplements.

11 3. I have been actively involved in this case and worked with my attorneys
12 since the filing of this lawsuit. Since first retaining PSW, I have spent
13 approximately thirty (30) hours working on this lawsuit. My activities and
14 responsibilities during this time included, but were not limited to: (1) meeting and
15 consulting with my counsel regarding the facts of the case as part of the initial
16 investigation and my experience as a class member in this case; (2) reviewing
17 complaints and other relevant pleadings that were filed in this case; (3) regularly
18 conferring with my counsel by phone, e-mail, and in person meetings regarding the
19 status of the case; (4) having my deposition taken as the class representative on May
20 5, 2015; (5) reviewing and correcting my deposition transcript following my
21 deposition; (6) participating in settlement negotiations through my counsel including
22 an all-day mediation session with Judge Dickran M. Tevrizian (Ret.) on May 14,
23 2015; and (7) reviewing and approving the settlement documents in this case.

24 4. Serving as a named Plaintiff and class representative has required me to
25 dedicate time to this case that would have been otherwise dedicated to my work or
26 other activities. I have performed these activities and served as a class
27 representative without receiving any compensation and I have not been promised
28 any compensation by my attorneys. I approached my duties as a class representative

PEARSON, SIMON & WARSHAW, LLP
15165 VENTURA BOULEVARD, SUITE 400
SHERMAN OAKS, CALIFORNIA 91403

1 with professionalism and have acted in the best interests of the class throughout this
2 litigation. I am seeking an incentive award in the amount of \$5,000 in recognition of
3 the service I have performed on behalf of the class members and the considerable
4 time and effort I have dedicated to this case.

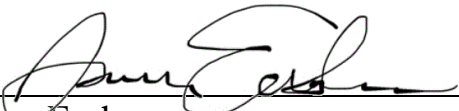
5 5. I believe that the Settlement in this case provides substantial benefits to
6 the class members and adequately addresses the issues complained of in this lawsuit.
7 The Settlement creates a common fund of \$2.5 million, whereby Class Members can
8 file a claim form to receive money from the Settlement. In addition, the Settlement
9 provides injunctive relief whereby Iovate will modify the testing, labeling,
10 packaging, and advertising for its Protein Products to insure that the nitrogen content
11 attributed to amino acids, creatine, and other non-protein substances therein are
12 excluded in the protein calculation.

13 6. I have personally filed a claim for recovery under the protein
14 supplement Settlement.

15 7. The attorneys representing me in this case have done so in a
16 professional and competent manner, and kept me informed about the progress of this
17 case throughout the litigation.

18 8. I declare under penalty of perjury under the laws of the State of
19 California that the foregoing is true and correct.

20 Executed January 25, 2016 at Sherman Oaks, California.

21
22
23 
24 James Eashoo