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18 *Attorneys for Plaintiffs and the Settlement Classes*

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

20 **NICHOLAS C. SMITH-WASHINGTON,**) Case No. 3:23-CV-830-VC
21 **JOYCE MAHONEY, JONATHAN AMES,**)
MATTHEW HARTZ, and JENNY LEWIS,) Assigned for all purposes to Hon. Vince
22 on behalf of themselves and all others similarly) Chhabria
situated,)
23 Plaintiffs,) **DECLARATION OF WARREN D.**
24 v.) **POSTMAN IN SUPPORT OF**
25 **TAXACT, INC.,** an Iowa corporation,) **PLAINTIFFS' MOTION FOR**
26 Defendant.) **FINAL APPROVAL OF CLASS**
27) **ACTION SETTLEMENT**
28)
) Courtroom: 4, 17th Floor
) Hearing Date: November 21, 2024
) Hearing Time: 2:00 p.m.

1 **DECLARATION OF WARREN D. POSTMAN**

2 I, Warren D. Postman, declare as follows:

3 1. I am over 18 years of age and am competent to testify to the matters in this declaration.
4 I have personal knowledge of each matter attested to in this document.

5 2. I am a partner in the law firm of Keller Postman LLC (“Keller Postman”). My firm,
6 together with HammondLaw, P.C. (“HammondLaw”), is Class Counsel to Nicholas C. Smith-
7 Washington, Joyce Mahoney, Jonathan Ames, Matthew Hartz, and Jenny Lewis, as well as the various
8 Settlement Classes (collectively, “Plaintiffs”), in connection with the above-captioned action. I
9 respectfully submit this declaration in support of Plaintiffs’ Motion for Final Approval of Class Action
10 Settlement.

11 3. I am a member, in good standing, of the State Bar of California. I am licensed to practice
12 before all courts in the State of California. I am also a member, in good standing, of the Bar of the
13 United States District Court for the Northern District of California.

14 4. The Class Action Settlement Agreement and Release, Dkt. 121-2 (“Class Action
15 Settlement Agreement”), provides that “[i]f any portion of the Attorneys’ Fees and Expenses Award
16 based on the In-Kind Payment and held back by the Settlement Administrator is not ultimately
17 distributed as attorneys’ fees to Settlement Class Counsel, it will be distributed to National Consumer
18 Law Center as *cy pres* recipient.” Dkt. 121-2 at 20 (¶ 94).

19 5. No attorney or other employee at Keller Postman has any relationship with the National
20 Consumer Law Center (“NCLC”) that could create the impression of any impropriety respecting the
21 selection of the NCLC as the *cy pres* recipient in the Class Action Settlement Agreement and Release.

22 I affirm that these facts are true under penalty of perjury under the laws of the United States.
23 Executed this 11th day of October, 2024, at Washington, District of Columbia.

24
25 /s/ Warren D. Postman
26 Warren D. Postman
27
28