

1 KENNETH S. GAINES, ESQ. SBN 049045  
 ken@gaineslawfirm.com  
 2 DANIEL F. GAINES, ESQ. SBN 251488  
 daniel@gaineslawfirm.com  
 3 ALEX P. KATOFSKY, ESQ. SBN 202754  
 alex@gaineslawfirm.com  
 4 SEPIDEH ARDESTANI, ESQ. SBN 274259  
 sepideh@gaineslawfirm.com  
 5 **GAINES & GAINES, APLC**  
 6 27200 Agoura Road, Suite 101  
 7 Calabasas, California 91301  
 8 Telephone: (818) 703-8985  
 9 Facsimile: (818) 703-8984

10  
 11 Attorneys for Plaintiff Gillian Brown  
 and Proposed Class Counsel  
 12

13  
 14 **UNITED STATES DISTRICT COURT**  
 15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 GILLIAN BROWN, on behalf of  
 17 herself and all others similarly situated,

18 Plaintiff,

19 v.

20 22ND DISTRICT AGRICULTURAL  
 21 ASSOCIATION, a State entity; and  
 22 DOES 1 through 10, inclusive,

23 Defendants.  
 24

CASE NO: 15-cv-2578-DHB

CLASS ACTION

**DECLARATION OF GILLIAN BROWN  
 IN SUPPORT OF MOTION FOR FINAL  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT AND MOTION FOR  
 AWARD OF REASONABLE  
 ATTORNEYS' FEES AND COSTS AND  
 CLASS REPRESENTATIVE  
 ENHANCEMENT**

Date: May 11, 2017  
 Time: 3:30 p.m.  
 Courtroom: 1D  
 Judge: Hon. David H. Bartick

1 I, GILLIAN BROWN, hereby declare and state as follows:

2 1. I am a named Plaintiff in this lawsuit against 22ND DISTRICT  
3 AGRICULTURAL ASSOCIATION (“Association”) and I submit this declaration in  
4 support of Plaintiff’s (1) Motion For Final Approval Of Class Action Settlement; and  
5 (2) Motion For Award of Reasonable Of Attorneys’ Fees And Costs And Class  
6 Representative Enhancement. I am a competent adult over eighteen years of age. I  
7 have personal knowledge of the facts set forth herein, and if called as a witness to  
8 testify to them, I could and would do so competently.

9 2. In July, 2015, I used my credit card to make a purchase at the Del Mar  
10 Fairgrounds during the San Diego County Fair. The entire expiration date of my  
11 credit card was printed on the receipt generated and provided to me by the  
12 Association at the point of sale.

13 3. At that time, I was aware that this practice could be in violation of  
14 federal law, specifically the Fair and Accurate Credit Transactions Act (“FACTA”). I  
15 am particularly sensitive about identity theft prevention laws like FACTA. I believe  
16 in the laws of our state and country and the importance of enforcing those laws,  
17 especially when they relate to issues of identity theft and particularly in a case where  
18 information restricted by a federal law was being disclosed. I am quite sensitive  
19 about violations of these important rights.

20 4. Prior to filing our lawsuit, I assisted my counsel in investigating these  
21 claims, including the locations of the FACTA violations. Once my attorneys agreed  
22 to pursue this case, I assisted in the preparation of the complaint in this action (I gave  
23 them facts and information about my credit card transaction). I provided documents  
24 to my attorneys for discovery and participated in the discovery process, including  
25 initial disclosures at the onset of litigation. I regularly tracked the progress of this  
26 matter and continuously gave my attorneys input as to what I believed were important  
27 strategy decisions.  
28

1           5. Through the litigation, I assisted in the discovery and settlement process  
2 and communicated with my attorneys regularly regarding what I perceived to be fair  
3 resolution and terms. I attended the Early Neutral Evaluation to try and settle the  
4 case. Of course, I was principally concerned that the Association would change its  
5 practices going forward, which it did.

6           6. I accepted the opportunity to act as a Class Representative in a class  
7 action on behalf of other consumers who I believed were being subjected to  
8 violations of FACTA. Although presented with the opportunity, I declined to pursue  
9 this case on an individual basis and instead did so as a class action so that I could help  
10 others recover for what I believed were the Association's illegal practices and attempt  
11 to change the way that the Association conducts its business.

12           7. By bringing this lawsuit, and throughout its course, I have put the  
13 interests of the class ahead of my own. I understood that I could possibly earn a  
14 modest service payment in the event this case resolved itself favorably, but always  
15 knew that I could also be responsible for paying the attorneys' fees costs incurred by  
16 the Association if we lost the case. This was my biggest risk and fear in going  
17 forward with this class action. The importance of the cause at issue justified the risk.

18           8. My goal in bringing this lawsuit was to obtain a recovery on behalf of  
19 the class, and even more importantly, to put an end to what I believed were illegal  
20 practices on the part of the Association. I believe I have achieved both through this  
21 lawsuit and settlement. I understand that the Association has changed its credit and  
22 debit card printing practices to comply with FACTA because of this lawsuit. I am  
23 very happy about the results of this litigation. I am satisfied that class members are  
24 receiving settlement payments as a result of my efforts.

25           9. At the onset of this case, I had numerous phone calls with several of my  
26 attorneys involving the practices of the Association and my experiences. During the  
27 course of this litigation, up through and following the settlement process, I kept  
28

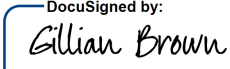
1 actively involved with its status, having frequent phone conversations with my  
2 attorneys to track the status of the case and participate as much as possible.

3 10. While I have not maintained detailed time records of my activities in  
4 connection with this case, I believe that have spent a total of approximately 25 hours  
5 (including travel) assisting my attorneys with this litigation and its settlement.

6 11. I am quite confident that pursuing this lawsuit will result in future  
7 reputational harm to me. There is a stigma associated with bringing a class action  
8 lawsuit that will follow me long after this case is over. My name will be all over the  
9 Internet in connection with this case once notice goes out. But I do think the rewards  
10 of this case, and being an active participant in the lawsuit, outweigh the detriments.

11 12. I am unaware of any conflicts which I could possibly have with other  
12 members of the class. In fact, my interests in bringing this lawsuit – for the  
13 Association to change its practices and to recover compensation for the Association’s  
14 violations of privacy laws – are likely identical to those of all other class members.

15 I declare, under penalty of perjury, under the laws of the United States of  
16 America, that the foregoing is true and correct. Executed on this 23<sup>rd</sup> day of January,  
17 2017 at Encinitas, California.

18   
19 \_\_\_\_\_  
20 GILLIAN BROWN  
21 635A488B53F84C5