

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

	x	
	:	Case No.: 1:21-cv-04529
David Jackson, individually and on behalf of	:	
all others similarly situated,	:	Honorable Nancy L. Maldonado
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
Discover Financial Services Inc.,	:	
	:	
Defendant.	:	
	:	
	x	

**DECLARATION OF MICHAEL L. GREENWALD IN SUPPORT  
OF PLAINTIFF’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES, COSTS,  
LITIGATION EXPENSES, AND A SERVICE AWARD**

I, Michael L. Greenwald, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is Michael L. Greenwald.
2. I am over twenty-one years of age.
3. I am fully competent to make the statements contained in this declaration.
4. I graduated from the University of Virginia in 2001 and Duke University School of Law in 2004.
5. I am a partner at Greenwald Davidson Radbil PLLC (“GDR”).
6. I am admitted to practice before this Court *pro hac vice*.
7. GDR, along with co-counsel, are counsel for Plaintiff David Jackson and co-Class Counsel in this action.
8. I submit this declaration in support of Mr. Jackson’s motion for an award of attorneys’ fees, costs, litigation expenses, and a service award.

### GDR's Experience

9. GDR's attorneys have extensive experience litigating consumer protection class actions, including class actions under the Telephone Consumer Protection Act ("TCPA").

10. As class counsel in TCPA class actions, GDR has helped to recover more than \$120 million for class members over the past eight years, including in the following cases:

- *Lucas v. Synchrony Bank*, No. 4:21-cv-00070-PPS (N.D. Ind.);
- *Wesley v. Snap Fin. LLC*, No. 2:20-cv-00148-RJS-JCB (D. Utah);
- *Miles v. Medicredit, Inc.*, No. 4:20-cv-1186-JAR (E.D. Mo.);
- *Davis v. Mindshare Ventures LLC et al.*, No. 4:19-cv-1961 (S.D. Tex.);
- *Bonoan v. Adobe, Inc.*, No. 3:19-cv-01068-RS (N.D. Cal.);
- *Neal v. Wal-Mart Stores, Inc. and Synchrony Bank*, No. 3:17-cv-00022 (W.D.N.C.);
- *Jewell v. HSN, Inc.*, No. 3:19-cv-00247-jdp (W.D. Wis.);
- *Knapper v. Cox Commc'ns, Inc.*, No. 2:17-cv-00913-SPL (D. Ariz.);
- *Sheean v. Convergent Outsourcing, Inc.*, No. 2:18-cv-11532-GCS-RSW (E.D. Mich.);
- *Williams v. Bluestem Brands, Inc.*, No. 8:17-cv-01971-T-27AAS (M.D. Fla.);
- *Martinez, et al., v. Medicredit, Inc.*, No. 4:16-cv-01138 ERW (E.D. Mo.);
- *Johnson v. NPAS Solutions, LLC*, No. 9:17-cv-80393 (S.D. Fla.) (on appeal);
- *Luster v. Wells Fargo Dealer Servs., Inc.*, No. 1:15-cv-01058-TWT (N.D. Ga.);
- *Prather v. Wells Fargo Bank, N.A.*, No. 1:15-cv-04231-SCJ (N.D. Ga.);
- *Johnson v. Navient Solutions, Inc., f/k/a Sallie Mae, Inc.*, No. 1:15-cv-0716-LJM (S.D. Ind.);
- *Toure and Heard v. Navient Solutions, Inc., f/k/a Sallie Mae, Inc.*, No. 1:17-cv-00071-LJM-TAB (S.D. Ind.);
- *James v. JPMorgan Chase Bank, N.A.*, No. 8:15-cv-2424-T-23JSS (M.D. Fla.);
- *Schwyhart v. AmSher Collection Servs., Inc.*, No. 2:15-cv-1175-JEO (N.D. Ala.);

- *Cross v. Wells Fargo Bank, N.A.*, No. 2:15-cv-01270-RWS (N.D. Ga.);
- *Markos v. Wells Fargo Bank, N.A.*, No. 15-1156 (N.D. Ga.);
- *Prater v. Medicredit, Inc.*, No. 14-00159 (E.D. Mo.);
- *Jones v. I.Q. Data Int'l, Inc.*, No. 1:14-cv-00130-PJK-GBW (D.N.M.); and
- *Ritchie v. Van Ru Credit Corp.*, No. 2:12-CV-01714-PHX-SM (D. Ariz.).

11. In addition, GDR has been appointed class counsel in dozens of class actions brought under consumer protection statutes other than the TCPA, including:

- *Taylor v. TimePayment Corp.*, No. 3:18-cv-00378-MHL-DJN (E.D. Va.);
- *Danger v. Nextep Funding, LLC*, No. 0:18-cv-00567-SRN-LIB (D. Minn.);
- *Spencer v. #1 A LifeSafer of Ariz. LLC*, No. 18-02225-PHX-BSB (D. Ariz.);
- *Dickens v. GC Servs. Ltd. P'Ship*, No. 8:16-cv-00803-JSM-TGW (M.D. Fla.);
- *Kagno v. Bush Ross, P.A.*, No. 8:17-cv-1468-T-26AEP (M.D. Fla.);
- *Johnston v. Kass Shuler, P.A.*, No. 8:16-cv-03390-SDM-AEP (M.D. Fla.);
- *Jallo v. Resurgent Capital Servs., L.P.*, No. 4:14-cv-00449 (E.D. Tex.);
- *Macy v. GC Servs. Ltd. P'ship*, No. 3:15-cv-00819-DJH-CHL (W.D. Ky.);
- *Rhodes v. Nat'l Collection Sys., Inc.*, No. 15-cv-02049-REB-KMT (D. Colo.);
- *McCurdy v. Prof'l Credit Servs.*, No. 6:15-cv-01498-AA (D. Or.);
- *Schuchardt v. Law Office of Rory W. Clark*, No. 3:15-cv-01329-JSC (N.D. Cal.);
- *Globus v. Pioneer Credit Recovery, Inc.*, No. 15-CV-152V (W.D.N.Y.);
- *Roundtree v. Bush Ross, P.A.*, No. 8:14-cv-00357-JDW-AEP (M.D. Fla.); and
- *Gonzalez v. Germaine Law Office PLC*, No. 2:15-cv-01427 (D. Ariz.).

12. Multiple district courts have commented on GDR's useful knowledge and experience in connection with class action litigation.

13. For instance, in preliminarily approving the class action settlement in *Chapman v. Bowman, Heintz, Boscia & Vician, P.C*, Judge Jon E. DeGuilio of the Northern District of Indiana wrote:

No doubt Michael L. Greenwald of Greenwald Davidson Radbil PLLC has put extensive work into reviewing and investigating the potential claims in this case, and he and his firm have experience in handling class action litigation. Additionally, Mr. Greenwald has demonstrated his knowledge of the FDCPA and he has so far committed the resources necessary to representing the class and administrating the proposed settlement. The Court believes that Mr. Greenwald will fairly and adequately represent the interests of the class; and therefore, in compliance with Rule 23(g)(1), it is **ORDERED** that Michael Greenwald of Greenwald Davidson Radbil PLLC is appointed Class Counsel.

No. 2:15-cv-120 JD, 2015 WL 9478548, at \*6 (N.D. Ind. Dec. 29, 2016).

14. As well, in *Ritchie*, Judge Stephen P. McNamee of the District of Arizona stated upon granting final approval to the TCPA settlement at issue:

I want to thank all of you. It's been a pleasure. I hope that you will come back and see us at some time in the future. And if you don't, I have a lot of cases I would like to assign you, because you've been immensely helpful both to your clients and to the Court. And that's important. So I want to thank you all very much.

No. CIV-12-1714 (D. Ariz. July 21, 2014).

15. In *Schwychart*, Judge John E. Ott, Chief Magistrate Judge of the Northern District of Alabama, stated upon granting final approval to a TCPA settlement for which he appointed GDR as class counsel:

I cannot reiterate enough how impressed I am with both your handling of the case, both in the Court's presence as well as on the phone conferences, as well as in the written materials submitted. . . . I am very satisfied and I am very pleased with what I have seen in this case. As a judge, I don't get to say that every time, so that is quite a compliment to you all, and thank you for that.

No. 2:15-cv-1175-JEO (N.D. Ala. Mar. 15, 2017).

16. Judge Carlton W. Reeves of the Southern District of Mississippi described GDR as follows:

More important, frankly, is the skill with which plaintiff’s counsel litigated this matter. On that point there is no disagreement. Defense counsel concedes that her opponent—a specialist in the field who has been class counsel in dozens of these matters across the country—“is to be commended for his work” for the class, “was professional at all times” ..., and used his “excellent negotiation skills” to achieve a settlement fund greater than that required by the law.

The undersigned concurs ... Counsel’s level of experience in handling cases brought under the FDCPA, other consumer protection statutes, and class actions generally cannot be overstated.

*McWilliams v. Advanced Recovery Sys., Inc.*, No. 3:15-CV-70-CWR-LRA, 2017 WL 2625118, at \*3 (S.D. Miss. June 16, 2017).

17. As well, Judge Steven D. Merryday of the Middle District of Florida wrote in appointing GDR class counsel in *James* that “Michael L. Greenwald, James L. Davidson, and Aaron D. Radbil of Greenwald Davidson Radbil PLLC, each . . . has significant experience litigating TCPA class actions.” 2016 WL 6908118, at \*1.

18. In *Bellum v. Law Offices of Frederic I. Weinberg & Assocs., P.C.*, Judge C. Darnell Jones II of the Eastern District of Pennsylvania took care to point out that GDR was appointed as class counsel “precisely because of their expertise and ability to represent the class in this matter.” 2016 WL 4766079, at \*5 (E.D. Pa. Sept. 13, 2016).

19. Similarly, in *Cooper v. InvestiNet, LLC*, Chief Judge Tanya Walton Pratt of the Southern District of Indiana recently wrote:

GDR is an experienced firm that has successfully litigated many complex consumer class actions, including under the FDCPA. Because of its experience, GDR has been appointed class counsel in many class actions throughout the country, including in this district. GDR employed that experience here in negotiating a favorable result that avoids protracted litigation, trial, and appeals.

No. 1:21-cv-01562-TWP-DML, 2022 WL 1125394 (S.D. Ind. April 14, 2022)

20. And in certifying a nationwide class action under the TCPA, Judge Roslyn O. Silver of the District of Arizona wrote last year:

Moreover, the quality of Plaintiff’s filings to this point, as well as the declarations submitted by the proposed class counsel, Michael Greenwald (Doc. 120-6) . . . persuade the Court that Head, Greenwald, and Wilson will continue to vigorously prosecute this action on behalf of the class.

\* \* \*

Significantly, class counsel have provided a list of well over a dozen class actions Greenwald, Wilson, and their respective firms have each litigated, including several under the TCPA. (Doc. 120-6 at 5-6; Doc. 120-7 at 2-7). These showings demonstrate counsel’s experience in handling class actions, complex litigation, and the types of claims asserted in this action. *See* Fed. R. Civ. P. 23(g)(1)(A)(ii).

*Head v. Citibank, N.A.*, 340 F.R.D. 145, 152 (D. Ariz. 2022).

21. Additional information about GDR is available at [www.gdrllawfirm.com](http://www.gdrllawfirm.com).

**Michael L. Greenwald**

22. Prior to forming GDR in 2012, I spent six years as a litigator at Robbins Geller Rudman & Dowd LLP—one of the nation’s largest plaintiff’s class action firms.

23. My practice at Robbins Geller focused on complex class actions, including securities and consumer protection litigation.

24. While at Robbins Geller, I served on the litigation teams responsible for the successful prosecution of numerous class actions, including: *In re Evergreen Ultra Short Opportunities Fund Sec. Litig.* (D. Mass.); *In re Red Hat, Inc. Sec. Litig.* (E.D.N.C.); *City of Ann Arbor Emps.’ Ret. Sys. v. Sonoco Prods. Co., et al.* (D.S.C.); *Norfolk Cnty. Ret. Sys., et al. v. Ustian* (N.D. Ill.); *Romero v. U.S. Unwired, Inc.* (E.D. La.); *Lefkoe v. Jos. A. Bank Clothiers, Inc.* (D. Md.); and *In re Odimo, Inc. Sec. Litig.* (Fla.).

25. I started my career as an attorney in the Fort Lauderdale, Florida office of Holland & Knight LLP.

26. Other GDR attorneys also contributed to the successful prosecution of this case, including partners Aaron D. Radbil, James L. Davidson, and Jesse S. Johnson.

**Aaron D. Radbil**

27. Mr. Radbil graduated from the University of Arizona in 2002 and from the University of Miami School of Law in 2006.

28. Mr. Radbil is admitted to practice before this Court.

29. Mr. Radbil has extensive experience litigating consumer protection class actions, including those under the TCPA.

30. In addition to his experience litigating consumer protection class actions, Mr. Radbil has briefed, argued, and prevailed on a variety of issues of significant consumer interest before federal courts of appeals, including, for instance:

- *Dickens v. GC Servs. Ltd. P'ship*, 706 F. App'x 529 (11th Cir. 2017);
- *Hernandez v. Williams, Zinman & Parham PC*, 829 F.3d 1068 (9th Cir. 2016);
- *Lea v. Buy Direct, L.L.C.*, 755 F.3d 250 (5th Cir. 2014);
- *Payne v. Progressive Fin. Servs., Inc.*, 748 F.3d 605 (5th Cir. 2014);
- *Stout v. FreeScore, LLC*, 743 F.3d 680 (9th Cir. 2014);
- *Yunker v. Allianceone Receivables Mgmt., Inc.*, 701 F.3d 369 (11th Cir. 2012);
- *Guajardo v. GC Servs., LP*, 498 F. App'x 349 (5th Cir. 2012);
- *Sorensen v. Credit Int'l Corp.*, 475 F. App'x 244 (9th Cir. 2012);
- *Ponce v. BCA Fin. Serv., Inc.*, 467 F. App'x 806 (11th Cir. 2012);

- *Talley v. U.S. Dep't of Agric.*, 595 F.3d 754 (7th Cir. 2010), *reh'g en banc granted, opinion vacated* (June 10, 2010), *on rehearing en banc* (September 24, 2010), *decision affirmed*, No. 09-2123, 2010 WL 5887796 (7th Cir. Oct. 1, 2010); and
- *Oppenheim v. I.C. Sys., Inc.*, 627 F.3d 833 (11th Cir. 2010).

**James L. Davidson**

31. Mr. Davidson graduated from the University of Florida in 2000 and the University of Florida Fredric G. Levin College of Law in 2003.

32. He has been appointed class counsel in a host of consumer protection class actions.

33. Prior to forming GDR, Mr. Davidson spent five years as a litigator at Robbins Geller, where he focused on complex class actions, including securities and consumer protection litigation.

**Jesse S. Johnson**

34. Mr. Johnson earned his Bachelor of Science degree in Business Administration from the University of Florida, where he graduated magna cum laude in 2005.

35. He earned his Juris Doctor degree with honors from the University of Florida Fredric G. Levin College of Law in 2009, along with his Master of Arts in Business Administration from the University of Florida Hough Graduate School of Business the same year.

36. While an attorney at GDR, Mr. Johnson has been appointed class counsel in more than a dozen consumer protection class actions.

37. Mr. Johnson started his legal career as an associate at Robbins Geller, where he served on the litigation teams responsible for the successful prosecution of numerous class actions, including: *Sterling Heights Gen. Emps.' Ret. Sys. v. Hospira, Inc.*, No. 1:11-cv-08332 (N.D. Ill.); *Eshe Fund v. Fifth Third Bancorp*, No. 1:08-cv-00421 (S.D. Ohio); *City of St. Clair Shores Gen. Emps.' Ret. Sys. v. Lender Processing Servs., Inc.*, No. 3:10-cv-01073 (M.D. Fla.); and *In re*



*Synovus Fin. Corp.*, No. 1:09-cv-01811 (N.D. Ga.).

**Class Counsel Expended Significant Time and Resources Prosecuting this Action**

38. This case has been pending for more than 1.5 years.

39. Mr. Jackson filed his class action complaint on August 24, 2021, asserting claims under the TCPA. ECF No. 1.

40. On October 11, 2021, Discover Financial Services, Inc. (“Discover”) moved to dismiss Mr. Jackson’s complaint and to strike his class allegations. ECF No. 11.

41. On October 21, 2021, Mr. Jackson filed his first amended class action complaint. ECF No. 16.

42. On November 4, 2021, Mr. Jackson filed his second amended class action complaint. ECF No. 20.

43. On November 9, 2021, Mr. Jackson served his initial disclosures.

44. Also on November 9, 2021, Mr. Jackson served his first set of written discovery requests.

45. On November 17, 2021, Discover served written discovery requests on Mr. Jackson, including 25 interrogatories, 24 requests for production of documents, and 15 requests for admission.

46. On November 18, 2021, Discover filed its answer and amended defenses. ECF No. 21.

47. Discover asserted 23 affirmative defenses, including “prior express consent,” “bona fide error,” “safe harbor,” lack of Article III standing, and contributory negligence.

48. Discover served its initial disclosures on November 18, 2021.

49. Discover served its responses to Mr. Jackson’s first set of discovery requests on

December 9, 2021.

50. The parties negotiated a protective order to govern the production of confidential documents and data. This Court entered the protective order on December 13, 2021. ECF No. 26.

51. On February 18, 2022, Mr. Jackson served Discover with a notice of deposition pursuant to Rule 30(b)(6).

52. On March 2, 2022, Mr. Jackson served supplemental interrogatories, requests for production, and requests for admission.

53. On March 18, 2022, Discover served additional written discovery requests on Mr. Jackson, including two additional requests for production of documents and 13 additional requests for admission.

54. On April 1, 2022, Discover served its responses and objections to Mr. Jackson's supplemental written discovery requests.

55. On April 29, 2022, Mr. Jackson served his responses and objections to Discover's supplemental written discovery requests.

56. The parties spent considerable time and effort engaging in meet-and-confer conferences regarding Discover's discovery responses and objections. In particular, Mr. Jackson's efforts were focused on Discover's calling practices and identifying the potential size of Mr. Jackson's proposed class.

57. The parties agreed to attend private mediation with Bruce Friedman, Esq. of JAMS.

58. As a result of their agreement to attend private mediation and to allow efforts to be focused on avenues for resolution of Mr. Jackson's claims, the parties "agreed to defer their meet and confer efforts until after they complete private mediation, scheduled for September 22, 2022." ECF No. 35 at 1.

59. In advance of mediation with Mr. Friedman, the parties prepared and exchanged lengthy mediation statements that outlined the parties' respective positions in detail. In addition, Discover identified the number of unique cellular telephone numbers potentially associated with class members.

60. As a result of a full-day mediation with Mr. Friedman, the parties reached an agreement to settle this matter for the benefit of the Settlement Class.

61. The parties filed their notice of class action settlement on September 30, 2022. ECF No. 38.

62. The parties engaged in multiple meet-and-confer conferences, and exchanged multiple drafts, of their Settlement Agreement and Release. This included drafts of the notices to be provided to potential Settlement Class Members.

63. Class Counsel negotiated with class action notice and administration companies to obtain the best, most cost-effective proposal for class notice.

64. Mr. Jackson filed his motion for preliminary approval of the parties' class action settlement on December 1, 2022. ECF No. 41.

65. Since this Court preliminarily approved the settlement, counsel for Mr. Jackson have worked diligently with the class administrator to oversee the notice and claims process.

### **The Settlement**

66. The settlement requires Discover to create a non-reversionary common fund of \$1 million.

67. The parties reached their agreement to settle this matter with the assistance and supervision of Mr. Friedman.

68. A true and correct copy of the parties' settlement agreement and its exhibits were

previously filed with this Court. *See* ECF No. 42-5.

69. This Court will hold a final fairness hearing on July 25, 2023 to make its final determination concerning the fairness, reasonableness, and adequacy of the parties' class settlement.

#### **Attorneys' Fees**

70. The requested attorneys' fees of one-third of the net common fund (calculated after deducting notice and administration costs, litigation costs and expenses, and the proposed service award to Mr. Jackson) is both fair and reasonable, and in line with awards in similar class actions.

71. The request for attorneys' fees amounts to 29.4% of the total settlement fund.

72. The case has been pending for more than 1.5 years and, during that time, Class Counsel have devoted significant time and resources to this case, including: (a) conducting an investigation into the underlying facts regarding Mr. Jackson's claims and class members' claims; (b) preparing a class action complaint, amended class action complaint, and second amended class action complaint; (c) researching the law pertinent to class members' claims and Discover's defenses; (d) negotiating a protective order; (e) preparing and serving two sets of written discovery requests to Discover; (f) reviewing Defendant's responses and objection to written discovery and related documents produced by Discover; (g) researching and evaluating Discover's motion to dismiss and to strike class allegations; (h) preparing for the corporate representative deposition of Discover pursuant to Rule 30(b)(6); (i) working with Mr. Jackson to respond to two sets of written discovery requests from Discover; (j) engaging in extensive meet-and-confer efforts regarding Discover's discovery responses and document production; (k) preparing for and attending mediation with Mr. Friedman, including preparing a detailed mediation statement; (l) negotiating the parties' class action settlement agreement, along with the proposed class notices and claim

form; (m) negotiating with class administration companies to secure the best notice plan practicable; (n) researching and preparing Mr. Jackson's motion for preliminary approval of the class action settlement, and counsel's declarations in support; (o) closely monitoring evolving TCPA case law and its potential impacts on this case; (p) closely monitoring decisions from the FCC and their potential impacts on this case; (q) conferring with the class administrator to oversee the notice, claims, and administration process; (r) repeatedly conferring with Mr. Jackson throughout this case; and (s) conferring with class members to answer questions about the claims process.

73. Significant additional work remains in this case, including responding to class member inquiries, overseeing the notice and claims process, preparing Mr. Jackson's motion for final approval of the class action settlement, responding to class member objections, if any, preparing for and attending the final fairness hearing, and, if approved, overseeing the process of providing settlement payments to participating settlement class members.

74. In short, GDR spent a considerable amount of time and devoted significant resources to effectively litigate this case in the best interests of class members, and then guide this case through the settlement approval process.

75. In light of the excellent results achieved in this case, together with counsel's considerable efforts in achieving those results, the novelty and difficulty of the legal questions involved, that GDR and co-counsel litigated this matter on a contingent basis, the experience, reputation, and ability of GDR and co-counsel, and the public service provided by way of Class Counsel's and Mr. Jackson's role as private attorneys general with respect to the TCPA, I firmly believe the attorneys' fee requested as a percentage of the common fund is fair and reasonable.

76. Additionally, the requested attorneys' fees were not negotiated as part of the

settlement, and Discover is free to oppose the attorneys' fees sought by Class Counsel.

### **Service Award**

77. Mr. Jackson has been a model class representative.

78. Mr. Jackson remained actively involved in this case throughout the proceedings, including regularly conferring with his counsel and making himself available to consult on all strategic case decisions.

79. In addition, Mr. Jackson responded to two sets of written discovery requests from Discover and searched for and produced documents relevant to his claims.

80. While Mr. Jackson did not sit for a deposition, he was prepared to do so.

81. Mr. Jackson was also actively involved in settlement efforts, including attending the mediation.

82. Without Mr. Jackson's considerable efforts and dedication to this case, the class settlement would not have been possible.

83. Given this, and considering the time and effort Mr. Jackson devoted to this case as well as the results achieved for the Settlement Class, I firmly believe a service award in the amount of \$10,000 is fair and reasonable.

### **Reimbursement of Litigation Costs and Expenses**

84. GDR separately requests the reimbursement of costs and litigation expenses reasonably incurred in connection with the prosecution of this action.

85. Such expenses are reflected in the books and records maintained by undersigned counsel and co-counsel, which are an accurate recording of the expenses incurred.

86. To date, GDR has incurred reimbursable costs and litigation expenses in the total amount of \$8,165.02.

87. These expenses include mediation fees and costs for mediation with Mr. Friedman (\$8,015.02) and the fee for my admission *pro hac vice* (\$150.00).

88. As well, GDR incurred additional reimbursable expenses, such as for computerized legal research. Those expenses are not separately itemized herein, and GDR does not seek separate reimbursement for them.

89. In addition, co-counsel incurred \$522 in litigation costs. These costs were for the filing fee for the complaint (\$402) and service of process (\$120).

90. As a result, Class Counsel seek the reimbursement of \$8,687.02 in litigation costs and expenses.

91. For the reasons set forth herein and in the accompanying motion and memorandum of law, I respectfully request that this Court grant Mr. Jackson's motion for an award of attorneys' fees, costs, litigation expenses, and a service award.

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

Executed on April 21, 2023

By: s/Michael L. Greenwald  
Michael L. Greenwald