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THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

COOPER MOORE and ANDREW GILLETTE,
on their own behalf and on behalf of others
similarly situated,

Plaintiffs,

v.

ROBINHOOD FINANCIAL LLC,

Defendant.

No. 2:21-cv-01571-BJR

**DECLARATION OF ANDREW
GILLETTE IN SUPPORT OF MOTION
FOR AN AWARD OF ATTORNEYS'
FEES, COSTS, AND SERVICE
AWARDS**

Noted for:

1 I, Andrew Gillette, hereby declare as follows:

2 1. I am over the age of eighteen and I have personal knowledge of the facts set forth
3 in this Declaration, and if called as a witness for this purpose, I could and would testify
4 competently under oath to them.

5 2. I am one of the named Plaintiffs in the above-captioned action. I submit this
6 Declaration in support of Plaintiffs' Unopposed Motion for Attorneys' Fees, Costs, and Class
7 Representative Service Award.

8 3. I received a referral text message urging me to join Robinhood in March 2020. I
9 never requested such advertisements from the Robinhood user that sent me the text message and I
10 was not interested in Robinhood's services.

11 4. I found out about potential legal action against Robinhood for these spam text
12 messages in May 2021 when I saw a Facebook advertisement regarding an investigation by Berger
13 Montague PC. I recalled the spam text message I received more than a year before and contacted
14 counsel for the purposes of obtaining legal advice regarding a potential legal claim against
15 Robinhood.

16 5. I retained Berger Montague PC following my initial contact.

17 6. After a discussion with my lawyers, I made a decision to participate in a claim
18 against Robinhood as a Class Representative. I had never been involved in a lawsuit before, but I
19 felt it was important to raise these issues. I was fully prepared to participate in every aspect of this
20 case, including trial if necessary.

21 7. I estimate that I have spent roughly 60 hours participating in this litigation.

22 8. Throughout the case, I took my responsibilities as a Class Representative seriously
23 and always had the best interests of the class in mind. I have stayed actively involved throughout
24 the entire litigation with numerous phone calls and emails.

25 9. In or around May 2022, I rejected an individual settlement offer from Robinhood
26 that would have ended this case, with the Class recovering nothing. I did so despite Robinhood's
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1 assertion that turning down the individual settlement offer could subject me to significant personal
2 financial liability—including for Robinhood’s attorneys’ fees—should I recover less than the
3 amount offered.

4 10. I spent many hours in this case working on discovery matters. I searched for and
5 provided information to counsel for the purposes of preserving information and for production in
6 discovery, including an “image” of my mobile device, invoices for my mobile phone, emails,
7 social media posts and conversations, and text messages.

8 11. I also reviewed and responded to discovery from Robinhood, including 34 requests
9 for production, 16 interrogatories, and 15 requests for admission, and provided supplemental
10 responses where necessary.

11 12. On October 20, 2023, I took time away from my home and education to be deposed.
12 Robinhood requested that the deposition occur in-person, at Robinhood’s counsel’s offices in
13 Seattle. As I live in Marblemount, Washington, I had to travel for over two hours each way and
14 stay overnight in Seattle to attend the deposition. The deposition lasted for most of the day. During
15 the deposition, Robinhood’s counsel questioned me regarding the individual settlement offer I had
16 turned down earlier in the case and showed me a substantial monetary judgment—in the hundreds
17 of thousands of dollars—that counsel had obtained against another named plaintiff in a similar
18 case. The questioning, and the assertion that acting in the Class’s interest could personally put me
19 on the hook for hundreds of thousands of dollars, was stressful.

20 13. The Robinhood user that sent me the referral text message—my brother in-law—
21 was also subpoenaed and deposed about our relationship and our communications.

22 14. In March of 2023, Robinhood also subpoenaed the business that had connected me
23 with my counsel in this matter, seeking the details of my request for a legal consultation.
24 Robinhood also sought communications with others that had contacted my counsel for legal advice
25 about Robinhood’s spam text messaging, people that I understood to be potential members of the
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Class. To help protect my and the Class’s communications, I provided a declaration to my counsel that was filed along with a motion to quash the subpoena in the Southern District of New York.

15. Before mediation in this matter, I approved our settlement position. I was also available by phone during the in-person mediation of this matter and stayed informed regarding settlement negotiations throughout the negotiations. I reviewed and executed the settlement agreement, and I support the settlement.

The foregoing statement is made under penalty of perjury and is true and correct to the best of my knowledge and belief. Executed this 28th day of March, 2024 in Marblemount, Washington.

DocuSigned by:
Andrew Gillette
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Andrew Gillette