

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Tulare  
**01/29/2025**  
By: Charisma Hughes,  
Deputy Clerk

1 Daniel Srourian, Esq. [SBN 285678]  
2 **SROURIAN LAW FIRM, P.C.**  
3 3435 Wilshire Blvd., Suite 1710  
4 Los Angeles, CA 90010  
5 Telephone: (213) 474-3800  
6 Fax: (213) 471-4160  
7 Email: [daniel@slfla.com](mailto:daniel@slfla.com)

8 JASON M. WUCETICH (STATE BAR NO. 222113)  
9 jason@wukolaw.com  
10 DIMITRIOS V. KOROVIAS (STATE BAR NO. 247230)  
11 dimitri@wukolaw.com  
12 WUCETICH & KOROVIAS LLP  
13 222 North Sepulveda Boulevard, Suite 2000  
14 El Segundo, CA 90245  
15 Telephone: (310) 335-2001  
16 Facsimile: (310) 364-5201

17 Attorneys for Plaintiff, individually  
18 and on behalf of all others similarly situated

19 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
20 COUNTY OF TULARE

21 In re HAPY BEAR SURGERY CENTER  
22 DATA SECURITY INCIDENT  
23 LITIGATION

CASE NO. VCU307987

*Assigned for All Purposes to*  
Hon. Gary M. Johnson

24 This Document Relates To: All Actions

**CLASS ACTION**

**DECLARATION OF DAVID  
UNDERWOOD IN SUPPORT OF MOTION  
FOR ATTORNEYS' FEES, COSTS AND  
ENHANCEMENT AWARD**

Hearing Date: February 24, 2025  
Time: 8:30 a.m.  
Dept.: 7

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I, David Underwood, declare as follows:

1. I am a resident of the State of California. I am a named Plaintiff and proposed Class representatives in this action. I have personal knowledge of each of the facts set forth below. If called to as a witness I would and could testify to the following.

2. I received a notice in the mail from Defendant Hapy Bear Surgery Center (“Defendant”) titled “Notice of Data Breach.” I was informed me that my personal identification information was part of a cybersecurity incident experienced by Defendant. Upon receiving the letter, I began to research the incident and attempted to locate a lawyer to discuss my rights.

3. Since the beginning of this lawsuit I have actively participated in this litigation, spending approximately 20-30 hours participating in interviews, meetings and telephone consultations with my attorneys, who required information pertaining to the incident. My activities on this case have included, but are not limited to, the following: communicating with my attorneys about this case; answering questions from counsel related to this case; and providing input regarding review of documents and discovery, the theories of the case, and possible settlement. In addition, I have spent numerous hours investigating the breach, researching and monitoring whether any of my accounts have been accessed by unauthorized parties, contacting vendors and suppliers of accounts with my personal information, and otherwise monitoring whether I am the victim of identity theft.

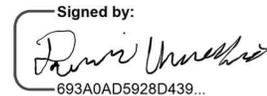
4. During this case, I also maintained and provided to Class Counsel all relevant documents necessary for the prosecution of this case. This work was undertaken in order to assist Class Counsel with preparing the complaint in this matter, for the mediation, and the motions for preliminary and final approval of the settlement in this class action lawsuit.

5. I do not have any interests adverse to that of the Class and have always put the interests of the Class ahead of my own.

1           6.       I believe that the requested \$5,000 incentive award is fair and reasonable since I  
2 have spent a significant amount of time and effort to bring and maintain this lawsuit, and I  
3 continued to work with Class Counsel to make sure a fair and reasonable settlement was  
4 achieved. My efforts will be significant to Class members being compensated for having their  
5 privacy rights violated.

6           7.       I ultimately sacrificed my personal interests for the Class' benefit. By agreeing to  
7 file this case, I assumed the risk of a judgment against me and personal liability for an award of  
8 costs to Defendant in the event of an adverse outcome. The potential financial risks are in and of  
9 themselves enough to dissuade many, if not most people, from agreeing to act as a class  
10 representative.

11                   I declare under penalty of perjury under the laws of the State of California that the  
12 foregoing is true and correct. Executed on 1/29/2025 in Tulare, California.

Signed by:  
  
693A0AD5928D439...

David Underwood