

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PATRICK HUFFORD and JOHN WISBISKI,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

MAXIM INC.,

Defendant.

Civil Action No. 19-cv-04452-ALC-RWL

**DECLARATION OF JOHN WISBISKI IN SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR
ATTORNEYS' FEES, COSTS, EXPENSES, AND SERVICE AWARDS**

I, John Wisbiski, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an adult over the age of 18 and a resident of the State of Michigan. I am a Class Representative in the lawsuit entitled *Hufford, et al. v. Maxim Inc.*, Case No. 19-cv-04452-ALC-RWL, currently pending in the United States District Court for the Southern District of New York. I make this Declaration in support of (i) the Motion for Final Approval of Settlement, and (ii) the Motion for Attorneys' Fees, Costs, Expenses, and Service Awards. The statements made in this Declaration are based on my personal knowledge and, if called as a witness, I could and would testify thereto.

2. I subscribed to *Maxim* magazine directly through Defendant Maxim Inc.

3. I assisted with the litigation of this case by detailing my magazine subscription purchase history. Specifically, I described to my lawyers how I subscribed to the magazines at issue and how much I paid. I also informed my counsel that I did not agree in writing or otherwise to allow Defendant to sell or disclose my Personal Reading Information, that I did not

receive notice of such disclosures, and that I was unaware of such disclosures entirely.

4. I also worked with my attorneys to prepare the First Amended Class Action Complaint. I carefully reviewed the First Amended Class Action Complaint for accuracy and approved it before it was filed.

5. During the course of this litigation, I kept in regular contact with my lawyers. Specifically, I conferred with them regularly by phone and e-mail to discuss the status of the case. We also discussed case strategy, motions that were currently pending, document and deposition discovery, and the prospects of settlement. Furthermore, when appropriate, I informed my attorneys of additional facts for their research and consideration.

6. I also coordinated with my lawyers to search for documents that Defendant requested in formal discovery, such as copies of my magazines, documents concerning my magazine subscription purchases, and junk mailings I have received. I was also prepared to testify at deposition and trial, if necessary.

7. My lawyers have kept me well informed in regard to the efforts to resolve this matter. I discussed the Class Action Settlement Agreement with them and gave my approval prior to signing it.


8. Based on the interactions and my relationship with my attorneys, I believe they have fairly and adequately represented me and the Settlement Class and will continue to do so.

9. Throughout this litigation, I understood that, as a Class Representative, I have an obligation to protect the interests of other Settlement Class Members and not act just for my own personal benefit. I do not have any conflicts with other Settlement Class Members. I have done my best to protect the interests of other Settlement Class Members and will continue to fairly and adequately represent the Settlement Class to the best of my ability.

10. I estimate that I spent approximately 30 hours working with my lawyers on this case.

I declare under penalty of perjury that the above and foregoing is true and accurate.

Executed this 2 day of September 2020 at Clinton Township, Michigan.


John Wisbiski (Sep 2, 2020 11:06 EDT)

John Wisbiski