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13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE DISTRICT OF NORTHERN CALIFORNIA**  
15 **SAN JOSE DIVISION**

16 IN RE HP PRINTER FIRMWARE  
17 UPDATE LITIGATION

18 Case No. 5:16-cv-05820-SVK-EJD

19 **DECLARATION OF DELORES LAWTY IN**  
20 **SUPPORT OF PLAINTIFFS' MOTIONS**  
21 **FOR FINAL SETTLEMENT APPROVAL**  
22 **AND FOR ATTORNEYS' FEES, COSTS,**  
23 **AND SERVICE AWARDS**

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DECLARATION OF DELORES LAWTY IN SUPPORT OF PLAINTIFFS' MOTIONS FOR FINAL  
SETTLEMENT APPROVAL AND FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS

Case No. 5:16-cv-05820-SVK-EJD

**DECLARATION OF DELORES LAWTY**

I, DeLores Lawty, do declare as follows:

1. I am one of the named plaintiffs in this action. I have personal knowledge of the following facts and, if called upon as a witness, could and would competently testify thereto.

2. I purchased an HP Officejet Pro 8620 from a seller on Amazon in February 2015. When the HP ink cartridges were used up in June 2016, I ordered third party ink cartridges from Amazon. I had previously purchased third party ink cartridges for a much cheaper price than HP brand ink cartridges. I believed that I would be able to do so when I purchased the printer. Up until September 2016, my printer had been working just fine.

3. On September 15, 2016 I tried using my printer, but it suddenly would no longer work. I saw an error message saying there was a malfunction with my ink cartridge and that it needed to be changed out. After swapping them out with other third-party ink cartridges, I got a message saying they were incompatible with the computer. I checked the cartridges, but they were still full of ink. I spent four to five hours on the phone with HP representatives attempting to resolve these issues with my printer, but nothing worked. I then went to Amazon and purchased a new set of HP cartridges. When I installed the HP cartridges, the error messages went away. I later learned that HP had released an update with Dynamic Security to prevent printers from using non-HP brand ink cartridges and installed it on my printer without my knowledge.

4. I joined this lawsuit because I strongly believe that HP's actions were wrong and someone needed to do something about it. I am fully aware of my responsibilities as a class representative to protect the interests of the class and to put class members' interests before my own. I have taken them seriously since the beginning of the case and I believe that I have served as an adequate class representative. For instance, I have closely monitored the developments in the case by speaking with my attorneys at least twice a month and regularly keeping in touch with them by email. When my attorneys asked me to review documents, I carefully read them and if I didn't understand something, I would ask my attorneys to explain them to me. When I was asked to help respond to various discovery requests, I answered interrogatories and searched for and produced documents.

1 During the case, HP inspected my printer and the computer it was connected to. I was also deposed  
2 for a full day and spent several hours preparing for it with the help of my attorneys.

3 5. I was also updated on the status of settlement negotiations and played a role in the  
4 discussions by conferring with my attorneys. I have also discussed the terms of the settlement with  
5 my attorneys, reviewed the Complaint, Settlement Agreement, and other case materials, and believe  
6 that the settlement is an excellent result for class members. I am very pleased with the settlement  
7 because of what we were able to achieve for the Class. Not only does the settlement compensate class  
8 members who paid out of their own pockets for replacement cartridges and printers, but it prevents HP  
9 from reactivating Dynamic Security in the Class Printers in the future. I also understand that by  
10 settling, the parties will be able to avoid the additional costs and time of going through a trial. And  
11 after discussing with my attorneys the risks of continued litigation and trial, such as the possibility the  
12 Court will not agree to certify the class and HP's defenses in this case, I am satisfied that the  
13 settlement is fair and reasonable and it has my full support.

14 6. I am not aware of any interest that is not in line with the class members.

15 7. I have been informed that my attorneys will ask the Court to approve a service award of  
16 \$5,000 for each class representative. I know that it is up to the Court to determine whether to grant  
17 such an award, but I believe this is a fair amount given the services I have performed as a class  
18 representative in this case. I have spent about 52 hours working with my attorneys on this matter.  
19 This includes my initial consultations with my attorneys, reviewing documents and filings for the case  
20 to ensure their accuracy, regular discussions with my attorneys about the status of the case, searching  
21 for responsive documents, answering interrogatories, having my printer and computer inspected by  
22 HP, preparing for a deposition and sitting for a full day of deposition, reviewing the settlement  
23 agreement and approval papers, and preparing this declaration.

24 8. When I joined this lawsuit, I hoped to do something about HP's unfair practices  
25 towards consumers like me. I believe the settlement achieves this goal as it puts in place measures to  
26 prevent HP from doing it again. The settlement therefore has my unequivocal support and I  
27 respectfully ask the Court approve the Motion for Final Approval, the Motion for Attorneys' Fees, and  
28 Service Awards.

1 I declare under penalty of perjury under the laws of Minnesota and the United States that the  
2 foregoing is true and correct, and that this declaration was executed on February 6, 2019.

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5 DeLores Lawty

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