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

IN RE HP PRINTER FIRMWARE  
UPDATE LITIGATION

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

**DECLARATION OF RICHARD SAN  
MIGUEL IN SUPPORT OF PLAINTIFFS'  
MOTIONS FOR FINAL SETTLEMENT  
APPROVAL AND FOR ATTORNEYS'  
FEES, COSTS, AND SERVICE AWARDS**

**DECLARATION OF RICHARD SAN MIGUEL**

I, Richard San Miguel, do declare as follows:

- 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.
- In December 2015, I purchased an HP Officejet Pro 8610 printer from Best Buy. When the ink for my printer ran out in May 2016, I bought third party ink cartridges for a much cheaper price than HP brand ink cartridges, and they worked just fine in my printer. I never had any of these issues using third party ink cartridges with my printer until September 2016. I

believed that I would be able to use third party ink cartridges when I purchased the printer and I wouldn't have bought an HP printer if I knew that HP was going to try and prevent me from doing so.

- On September 14, 2016, my printer unexpectedly stopped printing documents. I saw an error message saying my cartridges were damaged and had failed, and that I had to remove the ink cartridges and replace them with new ink cartridges. The error message directed me to visit a website selling HP brand ink cartridges. My ink cartridges were not empty or damaged, and there was no apparent reason I would have been getting this error message. I eventually learned that the problems were actually caused by a firmware update with Dynamic Security that HP had loaded onto my printer without my knowledge or permission that prevented my printer from using third party ink cartridges. That's when I decided to contact an attorney because it was important to me to take action against HP's unfair treatment of consumers.

- I understand that as a class representative, I have a responsibility to put the interests of the class before my own. I believe I have fulfilled my responsibilities as a class representative in this case. I have been actively involved throughout the case and have kept in regular contact with my attorneys by phone and email. I carefully reviewed the documents and papers my attorney sent me. When my attorneys asked me to assist in discovery, I did my best to look for documents and reviewed the interrogatory responses to ensure they were accurate. I also provided my printer and computer for HP to inspect. In addition, I participated in a full day of deposition and spent several hours preparing for it with my attorneys.

- After reviewing the Complaint and Settlement Agreement, and discussing the terms of the settlement with my attorneys, I am very satisfied with the settlement we have reached with HP and believe it represents a very favorable recovery for the Class. The settlement offers an opportunity for consumers who paid for cartridges, new printers, and repair services to get their money back. The settlement also prevents HP from reactivating its Dynamic Security program with the class printers which has been a major concern for me. And after learning

more about the potential risks of going forward with the case, such as the risk the Court will not grant class certification and the nature of HP's defenses, I believe that the settlement is fair and reasonable, and allows the parties to avoid a costly and time-consuming trial.

- I am not aware of any interests that are in conflict with the class members.
- It is my understanding that my attorneys will ask the Court to approve a service award for the class representatives of \$5,000. While I understand that any such award is entirely up to the Court, I believe the amount is fair and reasonable given the considerable amount of time I have spent fulfilling my responsibilities as a class representative. I have devoted approximately 42 hours working with my attorneys on this case. This includes the initial consultations with my attorneys, providing information to my attorneys to draft the complaint, reviewing and approving documents for filing, discussing with my attorneys the status of the case, preparing for and sitting for a fully day of deposition, having my printer and computer inspected by HP's expert, reviewing the settlement agreement and approval papers, and preparing this declaration.

I have devoted approximately 42 hours working with my attorneys on this case. This includes the initial consultations with my attorneys, providing information to my attorneys to draft the complaint, reviewing and approving documents for filing, discussing with my attorneys the status of the case, preparing for and sitting for a fully day of deposition, having my printer and computer inspected by HP's expert, reviewing the settlement agreement and approval papers, and preparing this declaration.

I joined this case to stop HP from doing something I thought was wrong and unfair. I believe the settlement accomplishes this and I am happy to have played a role in achieving this resolution. I therefore respectfully request the Court approve the Motion for Final Approval, the Motion for Attorneys' Fees, and Service Awards.

I declare under penalty of perjury under the laws of Texas and the United States that the foregoing is true and correct, and that this declaration was executed on February 5, 2019.

  
Richard San Miguel