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11 *Attorneys for Plaintiff and  
Proposed Class Counsel*

12  
13 **SUPERIOR COURT OF CALIFORNIA**  
14 **COUNTY OF SAN DIEGO**

15 HARLEY SEEGERT, individually, on behalf of  
16 himself and all others similarly situated,

17 Plaintiff,

18 v.

19 P.F. CHANG'S CHINA BISTRO, INC., a  
Delaware Corporation; and DOES 1 through 20,  
20 inclusive,

21 Defendant.

Case No: 37-2017-00016131-CU-MC-CTL

[E-FILE]

CLASS ACTION

**DECLARATION OF HARLEY SEEGERT  
IN SUPPORT OF UNOPPOSED MOTION  
FOR ATTORNEYS' FEES, COSTS, AND  
INCENTIVE AWARD**

Date: July 12, 2019

Time: 1:30 p.m.

Dept.: C-69

Judge: Hon. Katherine Bacal

1 I, Harley Seegert, declare as follows:

2 1. I am a resident of the State of California. I am the named plaintiff and proposed class  
3 representative in this action. I respectfully request that the Court approve an incentive award to me in the  
4 sum of \$5,000.00 for my time and effort in prosecuting this case, as well as the risk involved, both financial  
5 and otherwise.

6 2. I have actively participated in this litigation since its inception, including meeting with  
7 Class Counsel on multiple separate occasions, who required information pertaining to my credit card  
8 transaction at P.F. Chang's. I continually checked in with Class Counsel on the status of the litigation,  
9 including inquiring about the settlement discussions that commenced during mediation and those that  
10 continued throughout the drafting and finalizing of the Settlement Agreement thereafter. This work was  
11 undertaken in order to assist Class Counsel with preparing the complaint and resolving the lawsuit.

12 3. I believe that the requested \$5,000.00 incentive award is fair and reasonable since I have  
13 spent a substantial amount of time and effort to bring and maintain this lawsuit, and I have continued to  
14 work with Class Counsel to ensure a fair and reasonable settlement was achieved, including reviewing the  
15 Settlement Agreement. I believe that my dedication to this case will result in financial benefits to Class  
16 Members who have had their privacy rights violated and significant benefits to consumers in the general  
17 public by deterring other companies from violating Song-Beverly.

18 4. By agreeing to file this case, I assumed the risk of a judgment against me and being  
19 personally liable for an award of costs to P.F. Chang's in the event of an adverse outcome. The potential  
20 financial risks are in and of themselves enough to dissuade many, if not most people, from agreeing to act  
21 as a class representative. Thus, I believe that I have sacrificed by personal interests for the benefit of the  
22 Class.

23 5. I also acknowledge that I took a reputational risk in that this lawsuit might have a negative  
24 impact on my future business and employment opportunities. For example, I considered that a potential  
25 employer could run a background search, including a search for court records, and conclude that I am  
26 overly litigious and hold that false conclusion against me and withhold opportunities from me.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct. This declaration was executed on June 19 2019 in San Diego, California.

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6 Harley Seegert  
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