

IN THE IOWA DISTRICT COURT IN AND FOR DALLAS COUNTY

MARTIN ROGERS, et al.,

Plaintiffs,

v.

DES MOINES ORTHOPAEDIC
SURGEONS, P.C.,

Defendant.

Case No. 05251CVCV044835

**DECLARATION OF CLASS COUNSEL
IN SUPPORT OF PLAINTIFFS' MOTION FOR APPROVAL OF ATTORNEYS'
FEES, EXPENSES, AND SERVICE AWARDS**

We, Philip J. Krzeski, Nickolas J. Hagman, and John Nelson, declare as follows:

1. We are Class Counsel in the above-captioned case. This Declaration supports Plaintiffs' Motion for Approval of Attorneys' Fees, Expenses, and Service Awards. This Declaration supplements and incorporates by reference the Declaration of Class Counsel in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, filed on November 25, 2025.

2. The Settlement provides for monetary relief of up to \$1,000,000, plus three years of three-bureau credit monitoring¹ (valued at approximately \$2,600,000 at a 2% claims rate), and \$250,000 in enhanced data security practices, totaling \$3,850,000 in class benefits, exclusive of

¹ Based on the expertise of Class Counsel, the value of credit monitoring is approximately \$432. See *In re Equifax Inc. Customer Data Sec. Breach Litig.*, No. 1:17-MD-2800-TWT, 2020 WL 256132, at *31 (N.D. Ga. Mar. 17, 2020), *aff'd in part, rev'd in part and remanded*, 999 F.3d 1247 (11th Cir. 2021) (Credit monitoring was valued at \$192 per year; ten years of credit monitoring "would cost each class member \$1,920 to buy at its retail price"); *What is Credit Monitoring and Is It Worth the Cost?*, NerdWallet (Feb. 6, 2026), <https://www.nerdwallet.com/finance/learn/credit-monitoring-identity-theft-monitoring> ("Credit monitoring services can cost up to \$350 per year for individual plans").

attorneys' fees and expenses. This benefit does not include administrative expenses which, based on the expertise of class counsel, will increase the settlement benefit in excess of \$4,000,000.

3. The requested attorneys' fees and expenses of up to \$900,000 represents only approximately 23% of the total value of the settlement.

4. Class Counsel has prosecuted this litigation on a contingent basis, meaning they have not yet been paid for their work or reimbursed for their expenses, and they have borne the risk of never being paid if the litigation was not successful.

5. Counsel for Plaintiffs in this case have reported their hours worked, lodestar, and expenses in litigating the case.

6. To date, Plaintiffs' counsel have reported advancing the following categories of expenses for which they have not been reimbursed:

Expense	Amount
Filing and Pro Hac Vice Fees	\$2,330.00
Mediation Services	\$9,561.92
Service Fees	\$300.00
Travel	\$1,355.39
Total	\$13,547.31

7. In addition, Plaintiffs' counsel have reported spending over 802.6 hours prosecuting the case and incurring a lodestar at their normal hourly rates of \$642,207.40. As of now, that results in a multiplier on the requested fee of approximately 1.4x. Counsel will incur additional attorney time relating to briefing and arguing final approval and then to administering the settlement, both of which will increase their lodestar in the case and further reduce the multiplier, making the requested fee even more reasonable.

8. In addition to Class Counsel, the Class Representatives were integral to obtaining the settlement benefits. Each took time and effort to participate in the litigation, communicate with counsel, and otherwise work to benefit the Settlement Class.

9. As of February 9, 2026, no class member has objected to the attorneys' fees amount.

10. As of February 9, 2026, no class member has objected or opted out of the Settlement.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 9, 2026.

/s/ Phil Krzeski
CHESTNUT CAMBRONNE PA

/s/ David Lietz
MILLBERG PLLC

/s/ Nickolas Hagman
**CAFFERTY, CLOBES, MERIWETHER
& SPRENGEL LLP**