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12 **UNITED STATES DISTRICT COURT**
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 MICHAEL TESTONE, COLLIN SHANKS,
 15 and LAMARTINE PIERRE, on behalf of
 16 themselves, all others similarly situated, and the
 17 general public,
 18 **Plaintiffs,**
 19 v.
 20 BARLEAN’S ORGANIC OILS, LLC,
 21 **Defendant.**

Case No. 3:19-cv-0169-RBM-BGS

DECLARATION OF MICHAEL TESTONE

Judge: Hon. Ruth Bermudez Montenegro

1 I, Michael Testone, declare:

2 1. I am a plaintiff in the above-captioned matter, and I make this declaration based
3 on my own personal knowledge.

4 2. I volunteered to serve as a named plaintiff and bring this lawsuit in late 2018
5 because I believe the statements defendant made on Barlean's Coconut Oils are misleading,
6 and I wanted to help put a stop to defendant's misleading advertising and help consumers get
7 refunds.

8 3. During the almost four years since this case was filed, I have stayed informed of
9 developments in the case through periodic calls and emails with my counsel.

10 4. In the weeks after I retained my counsel, I spent time working with my attorneys
11 to help in drafting the complaint. We had several lengthy phone calls and traded numerous
12 emails about my purchase and use of Barlean's Coconut Oil. I also spent time reading articles
13 to familiarize myself with the science regarding coconut oil, including certain scientific
14 journal articles that demonstrate that coconut oil is unhealthy. Before I authorized my counsel
15 to file, I reviewed the complaint to ensure that it was as accurate as possible. In addition to
16 assisting with the initial complaint, I also assisted my attorneys in drafting an amended
17 complaint and authorized its filing.

18 5. During the course of the litigation, I worked with my attorneys as they responded
19 to discovery and filed motions.

20 6. For example, I assisted my counsel in responding to discovery requests I
21 received. I searched for documents that were responsive to defendant's requests using search
22 terms on multiple computers and other electronic devices. I also applied the same search
23 terms to my email and other relevant accounts. I was also deposed by defendant's counsel.
24 Before the deposition, I met with my attorneys to prepare for several hours.

25 7. I also worked closely with my attorneys to help them prepare to file or respond
26 to several motions. This included the drafting of several declarations in this matter, like those
27

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1 submitted in opposition to Barlean’s motion to disqualify and in support of plaintiffs’ motion
2 for class certification.

3 8. I also participated in settlement discussions and negotiations. I attended in-
4 person the early neutral evaluation conference in 2019, and I attended the mandatory
5 settlement conference in late 2021, which was conducted via Zoom.

6 9. Finally, I approved the settlement terms and agreement. I conferred with counsel
7 as to the terms of the settlement and authorized them to accept the material terms. Then, when
8 the agreement was committed to writing, I carefully reviewed it, and considered the benefits
9 provided to the class. I reviewed the removal of the health and wellness claims and the
10 monetary relief, which I believe is substantial and fair.

11 10. Not only did I diligently work with my counsel throughout this case, but I also
12 endured serious personal attacks from the defendant—including accusations of perjury from
13 Barlean’s former counsel. These very serious accusations were extremely distressing not only
14 on a personal level but also because they could have seriously damaged my career and ability
15 to provide for my wife and son. I work in academia for the University of Arizona’s global
16 campus, where, among other things, I teach several online courses. It is routine for students
17 to research their instructors and, even though they were false, if the accusations of perjury
18 had become publicized online, this would have seriously damaged my reputation and may
19 have prevented me from being able to continue to teach.

20 11. For almost four years now, I have invested considerable time and effort to
21 provide my counsel with all the requested assistance in order to help my counsel to prosecute
22 and ultimately resolve this case.

23 I declare under penalty of perjury that the foregoing is true and correct to the best of
24 my knowledge.

25 Executed on 1/4/2023 in Sarasota, Florida.

26 By:  2D2EB9C00EAD454...

27 Michael Testone