

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA**

Ben Hawkins, <i>on behalf of himself</i>	:	
<i>and all others similarly situated,</i>	:	Case No. 1:19-cv-01186
	:	
Plaintiff,	:	
v.	:	Hon. Judge Leonie M. Brinkema
	:	
Navy Federal Credit Union,	:	
	:	
Defendant.	:	
_____	:	

**DECLARATION OF JOSEPH M. LYON IN SUPPORT OF  
PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT**

I, Joseph M. Lyon, hereby declare under penalty of perjury and pursuant to 28 U.S.C. 1746, as follows:

1. I am the founding partner in The Lyon Firm, one of the law firms representing Plaintiffs and the Settlement Class in this action.
2. I am admitted to practice law in the State of Ohio, Commonwealth of Kentucky, the United States Court of Appeals for the Sixth Circuit, the United States District Court for the Southern District of Ohio, the United States District Court for the Northern District of Ohio, and the United States Court for the Eastern District of Kentucky. I am a member in good standing of the Ohio and Kentucky bar and have never been the subject of any disciplinary proceeding.
3. I have previously served as lead class counsel in a certified state class action and have substantial experience in complex mass tort litigation. Attached hereto as Exhibit 1 is a copy of my professional C.V.

4. As the co-lead attorney for the Plaintiffs, I have endeavored to diligently identify, research, and prosecute all potential claims and to timely and efficiently prosecute this action to maximize the benefits to the Plaintiffs and the Class.

5. Detailed discovery took place as part of the settlement negotiations, and Plaintiffs completed significant investigations during the pendency of this litigation, including detailed analysis of call data and information produced by Navy Federal Credit Unit. I have also worked closely with Mr. Hawkins to explain the circumstances of his case, his role as class representative, and the benefits of the proposed settlement.

5. The parties utilized the services of an independent mediator, Judge Morton Denlow (retired), to oversee the mediation of this litigation. With the assistance of the independent mediator, the parties agreed on the benefits to the Class before negotiating the attorneys' fees and expense reimbursement and the payment of a Service Award to the named Plaintiff. No ancillary agreements exist outside the terms of the Settlement Agreement which has been provided to the Court.

6. I believe that the Settlement Agreement is fair, adequate, reasonable, and in the best interests of the Class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2020.

/s/ Joseph M. Lyon  
JOSEPH M. LYON, ESQ.

**Exhibit 1**

## CURRICULUM VITAE

### JOSEPH M. LYON

Attorney at Law  
2754 Erie Ave.  
Cincinnati, Ohio 45208  
513. 381. 2333  
jlyon@thelyonfirm.com

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### Professional Experience

- The Lyon Firm, A Law Corp.; Cincinnati, Ohio, Founder (9/2006-Present)
- Lopez, Hodes, Restaino, Milman & Skikos, A Law Corp.; Cincinnati, Ohio, Associate (9/2004-9/2006)
- David W. Kapur & Associates; Cincinnati, Ohio, Associate (5/2003-9/2004)

### Admissions to Practice Law

- The Supreme Court of Ohio (2003)
- United States District Court for the Southern District of Ohio (2005)
- The Supreme Court of Kentucky (2011)
- United States District Court of Colorado (2011)
- United States Court of Appeals for Veterans Claims (2012)
- United States District Court for the Northern District of Ohio (2013)
- United States District Court for the Northern District of Illinois (2014)
- United States District Court for the Eastern District of Kentucky (2014)
- United States Court of Appeals for the 6<sup>th</sup> Circuit (2015)

### Education

- Chicago Kent College of Law, Illinois Institute of Technology, Chicago, IL, J.D. (12/2002)
  - Honors:
    - Federal Judicial Externship: United States District Court for the Northern District of Illinois, Judge William Hibbler; (January 2001-September 2001)
    - Law Review: Member of Chicago-Kent Journal of International and Comparative Law.
- Loyola University, Baltimore MD, B.A. in Political Science (1999)
  - International Study:
    - Katholieke Universiteit, Leuven, Belgium (9/1997-6/1998)
    - St. Louis University, Madrid, Spain (9/1998-12/1998)

## **Mass Tort Litigation Experience**

### **Common Benefit Work**

- MDL 1748 *In Re: Testosterone Replacement Therapy Products Liability Litigation*. Assisted in the formation of the litigation and the consolidation of over 4,000 cases before Judge Kenelly in the Northern District of Illinois. Performing document review and coding on regulatory and custodial files, and trial support for bellwether trials. (2/2015- Present)
- MDL 2327 *In Re: Ethicon, Inc. Pelvic Repair Systems Product Liability Litigation*. Performed document review and coding on custodial files, as well as bellwether trial support. (2013- 2016)
- *In Re: Actos (Pioglitazone) Products Liability Litigation. Wisniewski v. Takeda Pharmaceuticals et al.* (Case No. 120702272) Co-Counsel for bellwether trial in Philadelphia County. Jury awarded \$2,340,000.00 in compensatory damages. (2014)
- MDL 1598 *In Re: Ephedra Products Liability Litigation*: Coordinated GNC document review, assisted in deposition preparation for 30(b)(6) depositions, and participated in bellwether trial support. (2004-2006)

### **Current Mass Tort Litigation (Case Specific Work)**

- MDL 2441 *In Re: Stryker Rejuvenate and ABG II Hip Implant Litigation*
- MDL 2391 *In Re: Biomet M2A Magnum Hip Implant Products Liability Litigation*
- MDL 2734 *In Re: Abilify (Aripiprazole) Products Liability Litigation*
- MDL 2244 *In Re: Depuy Orthopaedics, Inc. Pinnacle Hip Implant Litigation*
- MDL 1748 *In Re: Testosterone Replacement Therapy Products Liability Litigation*.
- MDL 2502 *In Re: Lipitor (Atorvastatin Calcium) Products Liability Litigation*

### **Past Mass Tort Litigation (Case Specific Work)**

- *In Re Depo Provera: New Jersey Consolidated State Litigation*
- *In Re: Yaz/ Yasmin/ Ocella Litigation. Philadelphia Consolidated State Litigation*
- MDL 2197 *In Re: Depuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*
- MDL 1871 *In Re: Avandia Marketing, Sales Practices and Products Liability Litigation*
- MDL 1598 *In Re: Ephedra Products Liability Litigation*
- MDL 1905 *In Re: Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation*
- MDL 1769 *In Re: Seroquel Products Liability Litigation*
- MDL 1928 *In Re: Traslolol Products Liability Litigation*
- MDL 1785 *In Re: Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation*
- MDL 1657 *In Re: Vioxx Marketing, Sales Practices and Products Liability Litigation*
- MDL 2226 *In Re: Darvocet, Darvon, and Propoxyphene Products Liability Litigation*
- MDL 2327 *In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation*
- MDL 2325 *In Re: AMS, Inc., Pelvic Repair System Products Liability Litigation*
- MDL 2187 *In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation*
- MDL 2387 *In Re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation*
- MDL 2326 *In Re: Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation*

- MDL 2299 In Re: Actos (Pioglitazone) products Liability Litigation
- MDL 1842 In Re: Kugel Mesh Hernia Patch Products Liability Litigation

### **Past Class Action Work**

- *Wade v US Bank*. Hamilton County, Ohio A-15-01522. Lead Counsel. Class certified on behalf of thousands of Ohio mortgage holders related to US Bank's failure to comply with the Ohio Mortgage Satisfaction Statute. Settlement Approved for \$1,700,000.00
- *MDL 2591 In Re: Syngenta AG MIR 162 Corn Litigation* ( Filed the first putative class actions on behalf of Ohio and Kentucky farmers in claims against Syngenta arising from marketing and the sale of a genetically modified seed prior to the approval of China. Continued to represent numerous individual farmers in the MDL process through national class approval.)

### **Notable Single Event Settlements**

- *Murphy v. University Hospital* (2019) Hamilton County, Ohio A-18-03027. Lead Counsel in Medical Malpractice Case involving the misdiagnosis of cancer and unnecessary operation to remove 17 lymph nodes. The patient was cancer free and the unnecessary surgery left her with permanent lymphedema. Confidential Settlement.
- *Lemon v. FMK Firearms, Inc. et al.* (2016) E. Dist. of KY Case NO 2:15-cv-00128. *Lead Counsel*. Complex Product Liability case involving defective handgun that was subject to a recall due to drop-fire risks. Plaintiff suffered severe injuries including compartment syndrome when gun was accidentally dropped and fired. Confidential settlement.
- *Waters v. F&P America MFG, Inc.* (2016) Miami County, Ohio Case No. 15-103. *Lead Counsel*. Workplace intentional tort claim involving a corporate policy to circumvent a perimeter cage designed to protect workers from hydraulic equipment malfunction. Plaintiff suffered catastrophic amputation of multiple fingers when a machine misfired. Confidential settlement.
- *Estate of Ralph Jamison v. Continental Appliances, Inc.* (2013) Adams County, Ohio Case No. CVB 20120499. *Lead Counsel*. Complex Product Liability case involving a defective propane wall heater that resulted in severe burn injuries and Wrongful Death. Confidential Settlement.
- *Estate of Joseph Ponsi v. RCD Sales, Inc.* (2012) Ashland County, Ohio Case No. 12-CVI-017). *Lead Counsel*. Dealership negligence involving the sale of a recreational towing vehicle that exceeded towing capacity of tow vehicle resulting in rollover and Wrongful Death. Confidential Settlement.

- *Armesia Thomas v. General Motors et al.* (2011) E. Dist. of KY Case No. 08-228-ART. *Lead Counsel*. Complex Product Liability action involving claims of defective seat belt design resulting in catastrophic spinal cord injury to 19 year old female. Confidential settlement with General Motors and Takata Defendants.
- *Michael Urchak v. Donnell Ford Lincoln Mercury of Salem, Inc.* (2010) Mahoning County, Ohio Case No 08-CV-3700). *Lead Counsel*. Dealership negligence causing mechanical failure and loss of control of vehicle resulting in spinal cord injury. Confidential Settlement.
- *Charles & Jennifer Briner, Individually and on Behalf of Christopher Briner, A Minor v Daimler Chrysler Corporation.* (2007) (Richland County, Ohio Case No. 05-CV-371). *Second Chair*. Complex Product Liability action involving claims of defective seat belt buckle resulting in inadvertent buckle release and catastrophic brain injury to a minor. Confidential settlement.
- *Marlene Lewis et al v. Alex Saba,, M.D.* (2006) Hamilton County, Ohio, Case No. A0501599. *Second Chair*. Medical malpractice claims arising from the failure to diagnose breast cancer resulting in cancer progression, loss of survival, and additional invasive medical care. Confidential Settlement.

### **Memberships & Board Positions**

Attorneys Information Exchange Group (2006- Present)  
American Association for Justice, Trial Magazine, Peer Review Panel (2018-Present)  
American Association for Justice, TRT Litigation Group Co-Chair (2014-Present)  
American Association for Justice Litigation Group Leaders Council (2014- Present)  
American Association for Justice, Member (2003- Present)  
American Association for Justice, “New Lawyers Board of Governors” (2004-2013)  
Kentucky Association for Justice (2011- Present)  
National Trial Lawyers (2009-Present)  
National Organization for Veterans’ Advocates (2013- Present)  
Ohio Association for Justice (2003-2007; 2013-Present)  
Ohio Association for Justice, Product Liability Section Chair (2014-2015)

### **Publications & Presentations**

- *Mass Torts in State Court.* OAJ Summer Convention, Columbus, OH (2017)
- *Managing Client Expectations.* OAJ Summer Convention. Columbus, OH (2015)
- *The Wheels of Justice: Mass Torts in State Courts.* OAJ Quarterly. Product Liability Section. (2015)
- “*Low T*”- *The Creation of a Disease.* OAJ Quarterly. Product Liability Section. (2014)

- *Ethical Aspects of Mass Tort Marketing*. AAJ Summer Convention. Baltimore, MD (2014)
- *Testosterone Replacement Therapy MDL Update and Case Criteria*. AAJ Summer Convention. Baltimore, MD (2014)
- *Testosterone Replacement Therapy --Specific Causation*. AAJ Mass Tort Update Seminar. San Diego, CA (2014)
- *Testosterone Replacement Therapy --Causes of Action*. AAJ Emerging Mass Tort Seminar. Louisville, KY (2014)
- *Parallel Claims & Reporting Requirements: New Motivation for Drug Manufacturers to Give Adequate Warning*. OAJ Quarterly. Product Liability Section (2013)
- *Where to Begin Your Search for the Smoking Gun: Organizing Your Strategy and Informal Discovery*. National Business Institute Seminar. Cincinnati, OH (2010)
- *Written Discovery Strategies*. National Business Institute Seminar. Cincinnati, OH (2010)
- *A Separate Piece in Seeking Justice: Civil Themes and Skills in Public Defense*. AAJ, Criminal Law Section, Vol. 16, No.2 Winter (2009)
- *The Weight of Expert Testimony*. National Business Institute Seminar. Cincinnati, OH (2009)
- *Punitive Damages: Current Trends and Strategies*. National Business Institute Seminar. Cincinnati, Ohio (2009)
- *Jury Selection: Your First Trial*. Northern Kentucky College of Law. (2009)
- *Utilizing ATLA Resources for Law Students*. University of Cincinnati College of Law. (2003)

#### **Honors & Awards**

- Super Lawyers (Class Action and Mass Torts) (2018, 2019, 2020)
- Super Lawyers, Rising Stars (Class Action and Mass Torts) (2012, 2013, 2014, 2015, 2016)
- National Trial Lawyers: Top 100 Trial Lawyers for Ohio (2009-Present)
- National Trial Lawyers: Top 20 Mass Tort Lawyers (2018- Present)
- AVVO: 10/10 Rating