

THE HONORABLE MICHAEL K. RYAN  
Department 37  
Hearing Date: May 23, 2025  
Hearing Time: 11:00 a.m.  
*With Oral Argument*

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

JANE DOE and JOHN DOE, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

VIRGINIA MASON MEDICAL CENTER, and  
VIRGINIA MASON HEALTH SYSTEM,

Defendants.

NO. 19-2-26674-1 SEA

**DECLARATION OF STEPHEN M. GORNY IN  
SUPPORT OF PLAINTIFF'S MOTION FOR  
ATTORNEYS' FEES, LITIGATION COSTS,  
AND SERVICE AWARD**

I, Stephen M. Gorny, declare as follows:

1. I am the founding member of the law firm of Gorny Dandurand, LC and co-counsel of record for Plaintiffs in this matter. I am admitted to practice before this Court and am a member in good standing of the bars of the states of Missouri and Kansas. I respectfully submit this declaration in support of Plaintiff's Motion for Attorneys' Fees, Litigation Costs, and Service Award. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

**Gorny Dandurand's Work on this Case**

2. Gorny Dandurand was involved in every aspect of this case from its inception. Along with attorney Jay Barnes and several others, I vetted the merits of the case and helped

1 establish the legal team. I helped in preparing documents for filing, conducting depositions,  
2 communicating with the Court, and remaining responsible for the overall litigation.

3 3. Gorny Dandurand attorneys participated in the investigation of the claims and  
4 drafting the initial complaint, as well as the initial vetting of potential plaintiffs including  
5 examining their computers for evidence of visits to Virginia Mason's web properties.

6 4. Gorny Dandurand also played a key role in discovery with a focus on preparing  
7 for and taking depositions.

8 5. I deposed and assisted in preparation for depositions of defense experts.

9 6. Gorny Dandurand assisted with briefing and preparing for hearings in this case,  
10 and I attended the initial hearing in this case regarding the motion to dismiss and assisted in the  
11 preparation for Plaintiff's arguments.

12 7. I drew on my substantial trial experience in assisting with trial preparation in this  
13 case, including analyzing evidentiary issues and potential witnesses, and overall trial strategy. I  
14 was expected to be one of the lead lawyers at trial.

### 15 **Gorny Dandurand's Experience**

16 8. Gorny Dandurand is a law firm in Kansas City, Missouri, that focuses on civil  
17 litigation including medical malpractice, automobile collisions, product defects, dangerous  
18 premises, class actions, and consumer privacy. Since its founding in 2014, the attorneys at  
19 Gorny Dandurand have represented classes in state and federal court actions and obtained  
20 hundreds of millions of dollars in monetary relief for workers, consumers, and other individuals.

21 9. I am a founding member of Gorny Dandurand. With thirty years of experience, I  
22 have litigated numerous class actions and consumer privacy cases. I have served as co-lead  
23 counsel on multi-state and nationwide class actions, resulting in hundreds of millions of dollars  
24 in settlements for consumers and workers.

25 10. I graduated *magna cum laude* from Washburn University School of Law in 1994.  
26 Prior to attending law school, I earned bachelor's degrees in political science and sociology  
27 from Miami University in Oxford, Ohio. I am a past President of the Missouri Association of Trial

1 Attorneys. In 2023, I was awarded that organization’s highest honor, the Thomas G. Strong Trial  
2 Attorney Award. I have been repeatedly named to the Missouri Lawyers Weekly POWER LIST  
3 for Personal Injury, Best Lawyers in America, and SuperLawyers.

4 11. I have achieved unprecedented trial results including, the largest medical  
5 negligence verdict in Cole County, Missouri, the seventh largest trial verdict in the United States  
6 which was also the largest non-punitive wrongful death verdict in the state of Missouri, the  
7 largest, and perhaps only, plaintiff’s verdict in Ford County, Kansas, what is believed to be the  
8 largest single-plaintiff verdict in the history of Kansas, more than \$41,000,000, and, three  
9 separate verdicts for clients injured by physicians (\$1,035,000; \$4,000,000; \$749,000) – each  
10 following no offer by the defense.

11 12. I am a member of the Million Dollar Advocates Forum, the Multi-Million Dollar  
12 Advocates Forum, The National Trial Lawyers Top 100 Trial Lawyers, the American Association  
13 for Justice, the American Board of Trial Advocates, and have been recognized by The Best  
14 Lawyers in America for 15 straight years. I have given hundreds of presentations regarding a  
15 variety of topics including complex litigation, ethics, and trial practice.

16 **A. Qualification of Christopher D. Dandurand.**

17 13. **Christopher D. Dandurand** became a member of Gorny Dandurand in 2015. He  
18 practices in the fields of medical malpractice, automobile collisions, product defects, dangerous  
19 premises, class actions, and consumer privacy. Mr. Dandurand graduated *cum laude* from the  
20 University of Missouri-Columbia School of Law in 2011, where he was Order of the Coif. While  
21 in law school, Mr. Dandurand investigated securities fraud as a law clerk with the Missouri  
22 Secretary of State, Securities Division, and served as an extern for Judge Karen King Mitchell of  
23 the Missouri Court of Appeals, Western District. Prior to attending law school, Mr. Dandurand  
24 received his undergraduate degree *magna cum laude* from Saint Louis University in 2007.

25 14. After law school, Mr. Dandurand served as a law clerk to the Honorable Patricia  
26 Breckenridge, Judge for the Supreme Court of Missouri. Prior to joining Gorny Dandurand, Mr.  
27 Dandurand was in private practice at a business litigation boutique firm where he practiced

1 wage and hour, consumer class action, and complex business litigation. In 2020, Mr. Dandurand  
2 was recognized as Up and Coming by Missouri Lawyers Weekly. He served as the Chair of the  
3 Young Lawyers Section Council for the Missouri Bar Association in 2021-2022.

4 **B. Other cases litigated by Gorny Dandurand**

5 15. Examples of privacy and consumer class actions that Gorny Dandurand is  
6 litigating or has litigated to successful completion include:

- 7 a. *In re Facebook Internet Tracking Litigation*—Filed in 2012 on  
8 behalf of a class of consumers whose confidential health  
9 information was disclosed to Facebook, tracked and collected  
10 by Facebook, and used for marketing purposes by Facebook  
11 without their knowledge, authorization, or consent. Mr. Gorny  
12 was on the steering committee for this litigation.
- 13 b. *Doe, et al. v. Partners Healthcare System, Inc., et al* — I was class  
14 counsel in this matter. The Court approved settlement of the  
15 *Partners* matter on January 20, 2022.
- 16 c. *In re Meta Pixel Healthcare Litig.*—Filed in 2022 on behalf of a  
17 nationwide class of Facebook users whose confidential health  
18 information Meta collected via its data collection tools,  
19 including the Meta Pixel and SDK. Plaintiffs defeated two  
20 motions to dismiss their claims, and the action is currently  
21 pending in the Northern District of California.
- 22 d. *Doe, et al. v. Cass Regional Medical Center, et al.*—Filed in 2022  
23 on behalf of a class of consumers whose personal and medical  
24 information was disclosed to third parties without their  
25 knowledge, authorization, or consent.
- 26 e. *Doe, et al. v. Meritas Health Corporation, et al.*—Filed in 2022  
27 on behalf of a class of consumers whose personal and medical  
information was disclosed to third parties without their  
knowledge, authorization, or consent.
- f. *Doe, et al. v. Mosaic Health System, et al.*—Filed in 2022 on  
behalf of a class of consumers whose personal and medical  
information was disclosed to third parties without their  
knowledge, authorization, or consent.
- g. *Thomas, et al. v. Ford Motor Company*-Filed on behalf of  
consumers who purchased or leased automobiles  
manufactured by Ford Motor Company, equipped with an  
electronic throttle control that Ford knew rendered the vehicles  
susceptible to sudden acceleration.

1 h. *In Re: Johnson & Johnson Talcum Powder Products* – Filed on  
2 behalf of women who developed cancer after using talcum  
3 powder products

4 16. Prior to forming The Gorny Law Firm, LC, in 2014 (now Gorny Dandurand, LC), I  
5 was a principle at the law firm of Bartimus, Frickleton, Robertson & Gorny, P.C. While affiliated  
6 with that firm, I represented plaintiffs on a number of complex cases, such as the following  
7 representative litigation:

8 *State of Missouri ex rel. Nixon v. American Tobacco Co.*, In 1998, the Attorney  
9 General of Missouri chose the Bartimus firm to act as the lead firm for both the  
10 motions and appellate practice and all medical aspects of the tobacco litigation by  
11 which the State of Missouri sought recovery for its damages resulting from the  
12 sale of tobacco products to Missouri’s citizens. The case resulted in a settlement  
13 in which Missouri received \$6.4 billion.

14 *Rodriguez v. Hogan Transportation, Inc.* The firm received a \$46 million verdict on  
15 behalf of the families of two persons killed in a truck collision. The verdict is the  
16 largest wrongful death verdict not involving punitive damages in Missouri’s  
17 history.

18 *Blando v. Nextel.* The firm served as co-lead counsel for class action alleging  
19 Nextel’s improper collection of a so-called federal program cost recovery fee  
20 falsely designated as a tax on bills to customers. Value of settlement exceeded  
21 \$225 million.

22 *Benney v. Sprint.* Firm served as co-lead counsel in class action against Sprint for  
23 improper collection of E-911, wireless number portability and telephone number  
24 pooling charge. Settlement valued at more than \$250 million.

25 *Class Actions for Uninsured Hospital Patients.* Co-lead counsel in class actions filed  
26 in California and Missouri against charitable hospitals that overcharged uninsured  
27 patients. The nearly \$300 million in settlements resulted in wholesale  
modification of the hospitals’ charitable care policies and refunds to persons who  
had overpaid on their hospital bills.

*Clement v. Hammons Hotels, Inc.* Regional class action on behalf of persons  
improperly charged an energy surcharge as guests of Hammons Hotels. Firm  
served as co-lead counsel. Settlement valued at \$10 million.

*Doyle v. Doe Run.* Class action certified against largest lead smelter in the United  
States for property damage. Firm served as lead motions and appellate counsel.

1 *Fen-Phen Litigation.* Firm represented over 2,000 persons injured as a result of  
the use of diet drug.

2  
3 *Average Wholesale Price Litigation.* Firm represented the State of Kansas in this  
litigation charging drug companies with overcharging Medicaid recipients for  
4 drugs and other health-care related devices. Settlements totaling in excess of  
\$40,000,000.00 were secured.

5  
6 *September 11 Airline Litigation.* Firm served as part of the team representing  
airline victims of the September 11 terrorist attacks.

7  
8 *Courtney Pharmaceutical Litigation.* Firm represented and obtained settlement  
from drug manufacturers for over 50 clients who had received diluted  
9 chemotherapy drugs from pharmacists. Settlement for all victims exceeded \$60  
million.

10  
11 *Ford v. General Motors.* Co-lead counsel in breach of warranty claims against  
General Motors for improper design of airbag system in certain P-90 platform  
12 vehicles.

### 13 **Gorny Dandurand's Attorneys' Fees and Costs**

14 17. Since the beginning of this case, Gorny Dandurand has worked with no  
15 guarantee of being compensated for its time and efforts. Payment of Gorny Dandurand's fees  
16 and incurred litigation costs has always been contingent on successfully obtaining relief for the  
17 plaintiff and class members. As a result, there was a substantial risk of non-payment,  
18 particularly in light of the challenges inherent in this type of case and considering the lengths  
19 that defendants went to dismiss the matter and to contest class certification. The firm's work  
20 on this case has necessarily been to the exclusion of work on other matters that likely would  
21 have generated fees. Gorny Dandurand has also been denied use of the money it invested over  
22 the course of this case.

#### 23 **A. Gorny Dandurand's lodestar**

24 18. I have reviewed the firm's contemporaneous billing records and reduced and  
25 eliminated time where appropriate. I eliminated time that was administrative in nature, or that  
26 appeared to be redundant or inefficient. It is my firm belief that the time billed was reasonably  
27 necessary to litigate this case and secure a settlement on behalf of plaintiffs and the class. I can

1 also represent that I did not bill for countless e-mails and phone calls that were more brief in  
2 nature.

3 19. The work performed by senior paralegal Linda Dickerson was work that I or an  
4 attorney would have had to perform absent her assistance. Her work required an  
5 understanding of the case and was important to developing the facts and claims at issue in the  
6 case. Ms. Dickerson is qualified to perform substantive legal work based on her training and  
7 past experience working for attorneys. She also assisted me in preparing for deposing defense  
8 experts.

9 20. The following table identifies the attorneys and staff members from Gorny  
10 Dandurand who worked on this case and for whom the recovery of fees is sought. For each of  
11 the timekeepers below I have stated the current hourly rate, the number of hours worked  
12 through the settlement of the case and the total amount of fees. These time summaries are  
13 taken from contemporaneous, daily time reports prepared and maintained by Gorny  
14 Dandurand in the regular course of business. No time was charged for any administrative task  
15 after the settlement was agreed to in principle.

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
<b>ATTORNEYS</b>				
Stephen M. Gorny Founding Member J.D. from Washburn School of Law, 1994	Managed case with overall responsibility for all work and case strategy, appeared at hearings, participated in mediation and settlement negotiations, supervised trial preparation.	\$1,100	472.25	\$519,475.00
Christopher D. Dandurand Member J.D. from Univ. of Missouri School of Law, 2011	Worked on investigation and initial complaint, drafted motions and briefs, worked on trial preparation and settlement strategy.	\$750	210	\$157,500.00

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
<b>PARALEGAL/LEGAL ASSISTANT</b>				
Linda Dickerson Senior Paralegal 30 years legal experience	Worked on trial preparation, including identifying and organizing evidence, and drafting documents.	\$150	39.35	\$5,902.50
<b>TOTAL</b>			721.6	\$682,877.50

21. Gorny Dandurand sets rates for attorneys and staff members based on a variety of factors, including among others: the experience, skill and sophistication required for the types of legal services typically performed; the rates customarily charged in the markets where legal services are typically performed; and the experience, reputation and ability of the attorneys and staff members. Missouri state and federal courts have approved fee requests based on Gorny Dandurand's standard rates at the time of the application in many cases over the years.

**B. Gorny Dandurand's Litigation Costs**

22. Gorny Dandurand has incurred out-of-pocket litigation expenses totaling \$10,122.76 primarily to cover expenses related to court admission fees, court reporters and transcripts, travel expenses, and expert costs. The following chart summarizes Gorny Dandurand's litigation costs:

Category of Expense	Total
Court Admission Fees	\$1,635.80
Travel Expenses	\$1,529.62
Depositions	\$6,957.34
<b>TOTAL</b>	<b>\$10,122.76</b>



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

EXECUTED at Kansas City, Missouri and DATED this 26th day of February, 2025.

By: /s/Stephen M. Gorny  
Stephen M. Gorny, Mo Bar #45417

**DECLARATION OF SERVICE**

I, Stephen M. Gorny, hereby certify that on February 26, 2025, I caused true and correct copies of the foregoing to be served via the means indicated below:

Paul G. Karlsgodt, WSBA #40311  
Email: pkarlsgodt@bakerlaw.com  
BAKER & HOSTETLER LLP  
1801 California Street, Suite 4400  
Denver, Colorado 80202  
Telephone: (303) 861-0600  
Facsimile: (303) 861-7805

- U.S. Mail, postage prepaid
- Hand Delivered via Messenger Service
- Overnight Courier
- Facsimile
- Electronic Mail
- Via King County Electronic Filing Notification System

Logan F. Peppin, WSBA #55704  
Email: lpeppin@bakerlaw.com  
Alexander Vitruk, WSBA #57337  
Email: avitruk@bakerlaw.com  
BAKER & HOSTETLER LLP  
999 Third Avenue, Suite 3900  
Seattle, Washington 98104-4076  
Telephone: (206) 332-1380  
Facsimile: (206) 624-7317

- U.S. Mail, postage prepaid
- Hand Delivered via Messenger Service
- Overnight Courier
- Facsimile
- Electronic Mail
- Via King County Electronic Filing Notification System

*Attorneys for Defendants*

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED this 26th day of February, 2025.

By: /s/ Stephen M. Gorny  
Stephen M. Gorny, Mo Bar #45417