

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 18-cv-61722-WPD**

CYDNEY HALPERIN, individually and on behalf  
of all others similarly situated,  
*Plaintiff,*

**CLASS ACTION**

vs.

YOUFIT HEALTH CLUBS, LLC, a  
Florida limited liability company  
*Defendant.*

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**DECLARATION OF SCOTT EDELSBERG IN SUPPORT OF PLAINTIFF'S  
UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT  
AND CERTIFICATION OF SETTLEMENT CLASS**

Scott Edelsberg declares as follows:

1. I am one of the attorneys designated as Class Counsel for Plaintiff under the Settlement Agreement (“Settlement” or “Agreement”) entered into with Defendant, YouFit Health Clubs, LLC.<sup>1</sup> I submit this declaration in support of Plaintiff’s Unopposed Motion for Preliminary Approval of Class Settlement and Certification of Settlement Class. 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.

2. The Parties’ proposed Settlement is exceedingly fair and well within the range of preliminary approval for several reasons.

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<sup>1</sup> All capitalized defined terms used herein have the same meanings ascribed in the Agreement.

3. The Settlement was not conditioned on any amount of attorneys' fees for Class Counsel or Service Award for Plaintiff, which speaks to the fundamental fairness of the process.

4. The Claims Process here is straightforward, easy to understand for Settlement Class members, and designed so that they can easily claim their portion of the Settlement Fund.

5. A preliminary review of the factors related to the fairness, adequacy and reasonableness of the Settlement demonstrates that the Agreement fits well within the range of reasonableness, such that Preliminary Approval is appropriate.

6. Plaintiff and Class Counsel believe that the claims asserted are meritorious and that Plaintiff would prevail if this matter proceeded to trial. Defendant argues that Plaintiff's claims are unfounded, denies any liability, and has shown a willingness to litigate vigorously.

7. The Parties concluded that the benefits of the Settlement outweigh the risks and uncertainties attendant to continued litigation that include, but are not limited to, the risks, time and expenses associated with completing trial and any appellate review.

8. The Settlement here is the result of extensive, arm's-length negotiations between experienced attorneys who are familiar with class action litigation and with the legal and factual issues of this Action.

9. Class Counsel are particularly experienced in the litigation, certification, trial, and settlement of nationwide class action cases. *See* Firm Resumes attached as Exhibit 1.

10. Class Counsel zealously represented their client throughout the litigation, and throughout the discovery process, which included review of numerous pages of documents and electronic data, a party deposition, and third party discovery.

11. Class Counsel conducted a thorough analysis of Plaintiff's claims.

12. Class Counsel are confident in the strength of Plaintiff's case, but are also pragmatic in their awareness of the various defenses available to YouFit, and the risks inherent in trial and post-judgment appeal.

13. Class Counsel appropriately determined that the Settlement outweighs the risks of continued litigation.

14. There can be no doubt that this Settlement is a fair and reasonable recovery in light of YouFit's defenses, the uncertainty of class certification, and the challenging and unpredictable path of litigation Plaintiff and all Settlement Class members would face absent a settlement.

15. The Settlement is the best vehicle for Settlement Class Members to receive the relief to which they are entitled in a prompt and efficient manner.

16. Class Counsel were extremely well-positioned to confidently evaluate the strengths and weaknesses of Plaintiff's claims and prospects for success at trial and on appeal.

\* \* \*

I declare under penalty of perjury of the laws of Florida and the United States that the foregoing is true and correct, and that this declaration was executed in Aventura, Florida, on May 24, 2019.

/s/ Scott Edelsberg  
Scott Edelsberg



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*Law Firm Resume*

**Kaufman P.A.** is a law firm specializing in consumer class actions and complex business litigation matters. Since 2010, the attorneys of Kaufman P.A. have worked on consumer class action cases that have ended in class-wide settlements totaling more than \$100 million. Kaufman P.A.'s attorneys have also successfully recovered millions of dollars in settlements and judgments for plaintiffs in breach of contract actions in the media, real estate, fashion, healthcare, telecommunications, and banking industries.

Avi R. Kaufman, Esq. has a degree in government from Harvard University and a JD from Georgetown University Law Center. Prior to founding Kaufman P.A., Avi worked at Kopelowitz Ostrow Ferguson Weiselberg Gilbert and Carlton Fields Jordan Burt in their national class action and commercial litigation practice groups.

During the last two years, Avi has specialized in matters arising under the Telephone Consumer Protection Act and has been appointed as class counsel or interim lead counsel in the following actions:

- *Gottlieb v. CITGO Petroleum Corporation* (S.D. Fla. 2017), a nationwide Telephone Consumer Protection Act class action resulting in an \$8.3 million class wide settlement.
- *Masson v. Tallahassee Dodge Chrysler Jeep, LLC* (S.D. Fla. 2018), a nationwide Telephone Consumer Protection Act class action resulting in an \$850,000 class wide settlement.
- *In re Uber Text Messaging* (N.D. Cal. 2018), a national Telephone Consumer Protection Act putative class action which is ongoing.
- *Broward Psychology, P.A. v. SingleCare Services, LLC* (Fla. Cir. Ct. 2019), a Florida Telephone Consumer Protection Act class action resulting in a \$925,110 class wide settlement.

E D E L S B E R G  
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Scott Edelsberg's broad-based litigation experience representing both plaintiffs and defendants provides him with an invaluable perspective when prosecuting claims on behalf of consumers who have been harmed by corporate wrongdoing.

Scott Edelsberg is the founding partner of Edelsberg Law, PA and focuses his practice in the areas of class actions, consumer fraud and personal injury.

In connection with his representation in class action matters, Edelsberg has litigated cases in multiple state and federal jurisdictions throughout the country, including two multi-district litigation proceedings. In those cases, Edelsberg has won contested class certification motions, defended dispositive motions, engaged in data-intensive discovery and worked extensively with economics and information technology experts to build damages models. His efforts have lead to numerous class settlements, resulting in millions of dollars in relief for millions of class members. Despite his young career, Edelsberg has been appointed class counsel in numerous national class action lawsuits and has been featured in The Daily Business Review twice.

Edelsberg is a native of South Florida and earned a Bachelor of Arts degree in Political Science from the University of Michigan. While at Michigan, he was awarded the Michigan Merit Scholar award and served as an intern for the Washtenaw County Public Defender's office. Edelsberg went on to receive a Juris Doctor degree, Cum Laude, from the University of Miami School of Law. While attending law school, he was on the Dean's List, a member of the International and Comparative Law Review, a Merit Scholarship recipient and served as an Equal Justice for America Fellow.

### **Notable Class Action Settlements:**

- *Gattinella v. Michael Kors*, Case No. 1:14-cv-05731 (S.D. New York 2016) (Class settlement for \$4.875 million) (named class counsel);
- *Wildstein v. Seventh Generation, Inc.*, Case No. 3:15-cv-00205 (N.D. California 2016) (Class settlement for \$4.75 million) (named class counsel);
- *Gottlieb v. CITGO Petroleum Corporation*, Case No. 9:16-cv-81911 (S.D. Fla. 2017) (Class settlement for \$8.3 million) (named class counsel);
- *Seth F. Masson v. Tallahassee Dodge Jeep Chrysler, LLC*, Case No. 1:17-cv-22967 (S.D. Fla. 2017) (Class settlement for \$850,000) (named class counsel);
- *Jeanne and Nicolas Stathakos v. Columbia Sportswear Company*, Case No. 4:15-cv-04543 (N.D. California 2017) (Obtained classwide injunctive relief) (named class counsel);
- *Jessica Dipuglia v. US Coachways, Inc.*, Case No. 17-23006-Civ (S.D. Fla. 2018) (Class settlement for \$2.6 million) (named class counsel);
- *Zoey Bloom v. Jenny Craig Inc.*, Case No. 1:18-cv-21820 (S.D. Fla. 2018) (Class settlement for \$3 million) (named class counsel).



**SHAMIS & GENTILE, P.A.**  
CLASS ACTION LAW FIRM

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## **Our Firm**

Shamis & Gentile, P.A. has and continues to provide outstanding legal services in the Florida, New York and Texas communities. Shamis & Gentile, P.A. distinguishes itself because of our experience and legal resources to handle virtually any case involving personal injury, personal injury protection, class actions/mass tort and contract disputes. Specifically, as it relates to class actions, Shamis & Gentile, P.A. has filed and litigated many TCPA, FACTA, and insurance breach of contract lawsuits. At Shamis & Gentile, P.A. our seasoned attorneys are some of the most innovative and progressive attorneys in the profession. Often, Shamis & Gentile, P.A. is called upon to litigate and settle cases that other law firms may not be able to handle on their own.

Shamis & Gentile, P.A. is committed to practicing law with the highest level of integrity in an ethical and professional manner. We are a diverse firm with lawyers and staff from all walks of life. Our lawyers and other employees are hired and promoted based on the quality of their work and their ability to treat others with respect and dignity.

## **Who We Are**

Andrew Shamis is the managing partner at Shamis & Gentile P.A. Mr. Shamis has extensive experience in civil litigation (count, circuit and federal) where he has gained a reputation as an aggressive attorney who advocates for his clients in the strongest way possible. Mr. Shamis has successfully litigated cases (including positive trial verdicts) throughout the state of Florida and New York. Mr. Shamis has been personally responsible for recovering tens of millions of dollars owed to his clients over the course of his legal career. Mr. Shamis is admitted to practice law in both the state of Florida and New York, as well as the U.S. District courts for the Southern, Middle, and Northern Districts of Florida.

Mr. Shamis specializes in Class Action Litigation (TCPA, FACTA, and insurance breach of contract), Personal Injury, Personal Injury Protection, Wrongful Death, as well as General Civil Litigation.

Angelica Gentile is a named partner at Shamis & Gentile, P.A. Ms. Gentile heads the catastrophic injury and personal injury protection departments of Shamis & Gentile, P.A. Ms. Gentile is a consistent favorite among clients as her ability to successfully protect their interests and advocate on their behalf through successful litigation (which has resulted in the recovery of millions of dollars owed) throughout the state of Florida. Ms. Gentile is admitted to practice law

in Florida and Texas, as well as the U.S. District Courts for the Southern and Middle Districts of Florida.

Ms. Gentile specializes in Personal Injury, Personal Injury Protection, Class Action Litigation (TCPA, FACTA, and insurance breach of contract), Wrongful Death, Wrongful Termination, as well as General Civil Litigation.

Our staff sets the standard on being innovative and technologically savvy. This innovation and use of fully customized cutting-edge case management software allows us to create an unparalleled level of customer service and attention to detail with our clients, which has led to an exceptional growth rate rarely seen in law firms.

Shamis & Gentile, P.A. has the resources, infrastructure and staff to successfully represent large putative classes. The attorneys and staff are not simply litigators, but directors of creating successful results with the ultimate level of satisfaction by the clients.

## **Class Actions**

Shamis & Gentile has initiated and served as both lead counsel and co-lead counsel in hundreds of class actions, many of which have generated internet articles. Currently, the firm serves as lead counsel or co-counsel on fifty-five class action lawsuits. The lawsuits range from all Districts of Florida to the Central District of California. Shamis & Gentile, P.A. has also successfully settled many Class Action cases prior to verdict. It is for these reasons both partners actively litigate and are admitted to the Southern, Middle, and Northern District of Florida.

## **Prominent Class Action Settlements**

Over the years, Shamis & Gentile attorneys have obtained outstanding results in some of the most well-known cases.

- *Bloom v. Jenny Craig, Inc.*, No. 1:18-cv-21820-KMM, 2018 U.S. Dist. LEXIS 151686 (S.D. Fla. Sep. 6, 2018) (\$3,000,000.00 Class Settlement)
- *Papa v. Greico Ford Fort Lauderdale, LLC*, No. 1:18-cv-21897 (S.D. Fla. 2018) (\$4,800,000.00 Class Settlement)
- *Poierier v. Cubamax Travel Inc.*, No. 1:18-cv-231240 (S.D. Fla. 2018) (\$808,734.00 Class Settlement)
- *Marengo v. Miami Resch. Assocs., LLC*, No. 1:17-cv-20459-KMW, 2018 U.S. Dist. LEXIS 122098 (S.D. Fla. July 20, 2018) (\$1,236,300.00 Class Settlement)

- *Whitworth v. HH Entm't, Inc.*, No. 9:17-cv-80487-KAM, 2018 U.S. Dist. LEXIS 112223 (S.D. Fla. July 6, 2018) (\$750,000.00 Class Settlement)
- *Dipuglia v. US Coachways, Inc.*, No. 17-23006-Civ, 2018 U.S. Dist. LEXIS 72551 (S.D. Fla. Apr. 30, 2018) (\$2,600,000.00 Class Settlement)
- *Rattner v. Tribe App. Inc.*, No. 17-cv-21344, 2017 U.S. Dist. LEXIS 198517 (S.D. Fla. Nov. 30, 2017) (\$200,000.00 Class Settlement)
- *Gottlieb v. Citgo Corporation*, No. 16-cv-81911 (S.D. Fla. 2016) (\$8,300,000.00 Class Settlement)
- *Eisenband v. Schumacher Automotive, Inc.*, No. 18-cv-01061 (S.D. Fla 2018) (\$5,000,000.00 Class Settlement)
- *Wijesinha v. Susan B. Anthony List, Inc.* No. 18-cv-22880 (S.D. Fla. 2018) (\$1,017,430.00 Class Settlement)

## **Other Areas of Practice**

Shamis & Gentile, P.A. also litigates a variety of other types of litigation, including personal injury protection (of which they are considered the industry standard of excellence), personal injury, employment law, mass tort, breach of contract and health law.

## **More About Shamis & Gentile, P.A.**

To learn more about our firm, please visit [www.shamisgentile.com](http://www.shamisgentile.com), or view links to our blogs at <https://www.instagram.com/sfiattorneys/?hl=en>.