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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 NICHOLAS C. SMITH-WASHINGTON, JOYCE
19 MAHONEY, JONATHAN AMES, and JENNY
LEWIS, on behalf of themselves and all others
20 similarly situated,

21 Plaintiffs,

22 v.

23 TAXACT, INC.,

24 Defendant.

Case No. 3:23-CV-00830-VC
Assigned to Hon. Vince Chhabria

**DECLARATION OF JAMES W.
DUCAYET IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Judge: Hon. Vince Chhabria
Courtroom: 4, 17th Floor
Hearing Date: November 21, 2024
Hearing Time: 2:00 p.m.

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I, James W. Ducayet, declare as follows:

1. I make this declaration of my own personal knowledge, and if called as a witness could and would competently testify regarding the following:

2. I am a partner at Sidley Austin LLP and counsel for Defendant TaxAct, Inc.

3. I submit this declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement.

4. The parties’ Settlement Agreement in the above-captioned case identifies the National Consumer Law Center (“NCLC”) as the parties’ chosen cy pres recipient.

5. The NCLC is a nationwide organization which addresses issues affecting American consumers. It describes itself as being “at the center of a national network of legal aid lawyers, private attorneys, elder advocates, housing counselors, pro-consumer policymakers and enforcement officials, and other allies who use NCLC’s expertise to fight for consumers on the front lines, day in and day out.”

6. Neither Defendant nor any attorney at Sidley Austin LLP representing Defendant in the above-captioned case has any relationship with the NCLC. There is no connection between Defendant or Defendant’s counsel and the NCLC that could create the impression of any impropriety of any sort in the selection of the NCLC as the cy pres recipient in this case.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of October, in Chicago, Illinois.

/s/ James W. Ducayet
James W. Ducayet