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[Class Counsel]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE NVIDIA GTX 970 GRAPHICS CHIP
LITIGATION**

**This Document Relates To:
All Actions**

Case No.: 15-cv-00760-PJH

**DECLARATION OF KILOE
YOUNG IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN
AWARD OF ATTORNEYS' FEES,
COSTS AND EXPENSES, AND
INCENTIVE AWARDS FOR THE
CLASS REPRESENTATIVES**

Date: December 7, 2016

Time: 9:00 a.m.

Court: 3 - 3rd Floor

Judge: Honorable Phyllis J. Hamilton

Declaration of Kiloe M. Young

I, Kiloe M. Young, declare as follows:

1. I am a United States citizen and a Class Representative in the lawsuit entitled *In re NVIDIA GTX 970 Graphics Chip Litigation*, Case No. 15-cv-00760, filed in the U.S. District Court for the Northern District of California. I make this Declaration in support of Plaintiffs’ motion for the Court to award attorneys’ fees, costs, and expenses to Class Counsel, and award incentive awards to the Class Representatives. The statements made in my Declaration are based on my personal knowledge and, if called as a witness, I could and would testify thereto.

2. On or about October 21, 2014, I purchased an ASUS GX 970 graphics card from Newegg.com, an online retail store. At the time of my purchase, I was unaware the following representations were false and misleading: (i) the GTX 970 purportedly operates with a full 4 GB of video RAM, (ii) the GTX 970 purportedly has 64 render output processors, and (iii) the GTX 970 purportedly has an L2 cache capacity of 2 MB. Had I known these representations were false and misleading, I would not have paid for the GTX 970 at the price I did.

3. I assisted with my lawyers’ investigation by describing the events surrounding my purchase of the GTX 970. Specifically, I described where I purchased my GTX 970, when I purchased it, why I purchased it, how I purchased it online using my credit card, the representations I reviewed and relied upon when making my purchase. I also provided my attorneys with relevant documentation for their review. Further, I completed a litigation questionnaire sent to me by counsel to describe in detail my purchase, experiences with the defect, and my contacts with the defendant and others concerning my GTX 970.

4. I discussed in detail my GTX 970 use and experience with my attorneys. Specifically, I described my personal experiences with my GTX 970, including how it performed at various games and computing tasks. I also described any issues I had encountered with my GTX 970. I undertook my own research concerning the GTX 970 and the alleged defect, including reading technical reports and watching online videos, as well as researching NVIDIA’s official website and forums concerning the alleged GTX 970 defect. I also ran tests using management

1 software to investigate the alleged defect with my GTX 970. I spent several hours collaborating
2 with others who had also purchased the GTX 970 and compared performance issues to determine if
3 it was a defect with my specific card or if it was an issue prevalent with the GTX 970 line. I spent
4 hours on forums inquiring other owners of the GTX 970 and determined that I was not alone in my
5 findings, and I reported these results to my counsel. In addition, before filing suit, I contacted
6 NVIDIA directly via Live Assistance to try to resolve the matter, but we were unable to reach
7 resolution. I retained a copy of this discussion and sent it to my counsel when they requested
8 documents from me. I also sent counsel my other documents and materials concerning my GTX
9 970.

10 5. Based on these discussions, my experiences, and my contacting NVIDIA to try to
11 resolve the issue, my attorneys prepared a Class Action Complaint. I carefully reviewed a draft of
12 the Complaint for accuracy, suggested several changes and edits, and thereafter approved it before
13 the Complaint was filed.

14 6. During the course of this litigation, I kept in regular contact with my lawyers.
15 Specifically, I conferred with them regularly by phone and e-mail to discuss the status of the case.
16 We discussed my purchase and experience with the card, and discussed in detail my research
17 concerning the GTX 970 and my experiences and testing of my card. We also discussed litigation
18 strategy and timing, pending motions, and thereafter settlement prospects. When appropriate, I
19 informed my attorneys of additional facts for their research and consideration, and on occasion I
20 spoke with counsel for litigation updates.

21 7. My lawyers have kept me informed about their efforts to resolve this matter. We
22 communicated numerous times via phone and by email concerning my GTX 970, my participation
23 in the litigation, and about procedural aspects concerning the case. I discussed the Settlement
24 Agreement with them and gave my approval to resolve the matter.

25 8. Had this case not settled, I was willing and prepared to take part in discovery, and I
26 gathered documents and materials for my counsel and completed a litigation questionnaire for
27 them. I informed my lawyers I was available to produce additional documents if necessary, and
28 told them I was willing to be deposed in this case. We also discussed the possibility of the case

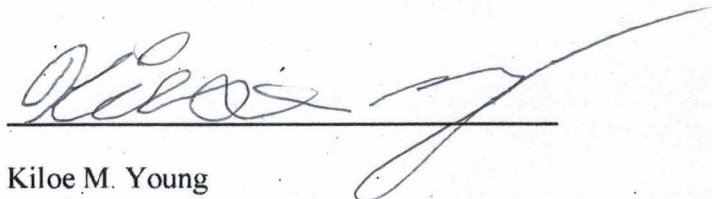
1 my role as a class representative, and I informed my counsel I was prepared to testify at trial, if
2 necessary.

3 9. Based on these interactions and my relationship with my counsel, I strongly believe
4 they have fairly and adequately represented me and the Class and will continue to do so. They have
5 communicated with me, kept me informed, and have provided clear and concise answers to my
6 questions.

7 10. Throughout this litigation, I understood as a Class Representative, I have an
8 obligation to protect the interests of other Class Members and not act just for my own personal
9 benefit. I do not believe I have any conflicts with other Class Members. I have done my best to
10 protect the interests of other Class Members and will continue to fairly and adequately represent the
11 Class to the best of my ability.

12 11. I estimate I spent a total of 22 hours working with my lawyers on this case, including
13 my individual research, **reviewing and researching NVIDIA's information, contacting NVIDIA to**
14 **resolve the matter, speaking multiple times with counsel, reviewing and editing the draft complaint,**
15 **completing the questionnaire, gathering documents and materials concerning my GTX 970, and**
16 **sharing my information, research, knowledge, experience, and observations with my counsel in an**
17 **effort to assist with the case.**

18
19 The above statements are of my own personal knowledge, and I make such statements under penalty
20 of perjury under the laws of California and of the United States of America. Executed this 21st day
21 of October 2016.

22
23 
24 Kiloe M. Young