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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 PEDRO
SANTIAGO 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.
Courtroom 3 – 3rd Floor

Judge: Honorable Phyllis J. Hamilton

DECLARATION OF PEDRO SANTIAGO

I, Pedro Santiago, declare as follows:

1. I am a citizen of Puerto Rico. I am 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 this Declaration are based on my personal knowledge and, if called as a witness, I could and would testify thereto.

2. In or about December 2014, I purchased an ASUS GTX 970 graphics card from a TigerDirect retail store. At the time of my purchase, I was not aware that the following representations were false and misleading: (i) that the GTX 970 purportedly operates with a full 4 GB of video RAM, (ii) that the GTX 970 purportedly has 64 render output processors, and (iii) that the GTX 970 purportedly has an L2 cache capacity of 2 MB. Had I known that 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 (*e.g.*, online versus retail, cash versus credit) and what representations I reviewed and relied upon when making my purchase. I also provided my attorneys with relevant documentation for their review.

4. I also discussed my use of the GTX 970 with my attorneys. Specifically, I described my personal experiences with my GTX 970, such as how it performed at various games and computing tasks. I also described any issues that I had encountered with my GTX 970.

5. Based on these discussions, my attorneys prepared a Class Action Complaint. I carefully reviewed the Complaint for accuracy and approved it before it was filed.

6. During the course of this litigation, I kept in regular contact with my lawyers. Specifically, I conferred with them regularly by phone and e-mail to discuss the status of the case.

1 We also discussed case strategy, motions that were currently pending, and the prospects of
2 settlement. Furthermore, when appropriate, I informed my attorneys of additional facts for their
3 research and consideration.

4 7. My lawyers have kept me informed in regards to their efforts to resolve this matter.
5 I discussed the Settlement Agreement with them and gave my approval prior to signing it.

6 8. Had this case not settled, I was willing and prepared to take part in discovery. I
7 informed my lawyers that I was available to produce documents and take part in a deposition. I
8 was also prepared to testify at trial, if necessary.

9 9. Based on the interactions and my relationship with my attorneys, I believe they have
10 fairly and adequately represented me and the Class and will continue to do so.

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

16 11. I estimate that I spent a total of 6 hours working with my lawyers on this case.

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



Pedro Santiago