

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

RICHARD MCCALL and ABRAHAM
LIBMAN, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

HERCULES CORP.,

Defendant.

Index No. 66810/2021

AFFIDAVIT OF RICHARD MCCALL

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

RICHARD MCCALL, being duly sworn, deposes and says:

1. I am an adult over the age of 18 and a resident of the State of New York. I am a Class Representative in the lawsuit entitled *Richard McCall et al v. Hercules Corp.*, Case No. 66810/2021, currently pending in the Westchester County Supreme Court. I make this Affidavit in support of (i) the Motion for Final Approval of Class Action Settlement, and (ii) the Motion for Attorneys' Fees, Costs, Expenses, and Incentive Awards. The statements made in this Affidavit are based on my personal knowledge and, if called as a witness, I could and would testify competently thereto under oath.

2. I possessed an Unusable Laundry Card serviced by Defendant. The Unusable Laundry Card included a balance that I was unable to access due to Defendant's \$5 processing and handling fee.

3. I assisted with the litigation of this case by detailing my dealings with Defendant. Specifically, I described to my lawyers my relationship as a customer of Defendant, and the

times that I reloaded the Laundry Card with money. I also provided my lawyers with documentation confirming the same.

4. I also worked with my attorneys to prepare the Class Action Complaint. I carefully reviewed the Class Action Complaint for accuracy and approved it before it was filed.

5. 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. We also discussed case strategy, anticipated motions, potential discovery topics, and the prospects of settlement. Furthermore, when appropriate, I informed my attorneys of additional facts for their research and consideration.

6. I also coordinated with my lawyers to search for documents that Defendant was likely to request in formal discovery, such as images of my Laundry Card. I was also prepared to testify at deposition and trial, if necessary.

7. My lawyers have kept me well informed in regard to the efforts to resolve this matter. I reviewed the Class Action Settlement Agreement with them and gave my approval prior to signing it.

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

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

I affirm under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

Signature: *Richard McCall*
Richard McCall (Apr 19, 2022 10:42 EDT)

Sworn to me this 19th day of April 2022

Julia Birch
Notary Public



This remote notarial act involved the use of communication technology






2022.04.18 FINAL McCall Affidavit

Final Audit Report

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1. Pursuant to 22 N.Y.C.R.R. §202.8-b, the undersigned counsel certifies that the foregoing brief was prepared on a computer using Microsoft Word. A proportionally spaced typeface was used as follows:

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2. The total number of words in the brief, inclusive of point headings and footnotes and exclusive of the caption, table of contents, table of authorities, signature block, and this Certification, is 481 words. By operation of Microsoft Word's word count function, this number includes legal citations and certain forms of punctuation.

Dated: May 13, 2022

Respectfully submitted,

By: /s/ Philip L. Fraietta
Philip L. Fraietta

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