

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: TIKTOK, INC.,
CONSUMER PRIVACY
LITIGATION,**

MDL No. 2948

Master Docket No. 20 C 4699

Judge John Z. Lee

This document relates to all cases

Magistrate Judge Sunil R. Harjani

**OBJECTOR DENNIS LITTEKEN'S OPPOSITION
TO FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT
AND OBJECTION TO CLASS COUNSEL'S FEES**

TABLE OF CONTENTS

I. A Settlement Where 98.6% of the Class Gets Nothing Isn't Fair and Shouldn't be Approved2

II. Class Counsel's Publication-Focused Notice Plan Had Predictably Poor Results and the Direct Notice Was Insufficient.....5

III. In the Seventh Circuit, Class Counsel's Fee Brief Must be Filed Before the Objection Deadline. It Wasn't7

IV. Class Counsel's Explanations of the Process Leading to the Settlement and the Allocation Do Not Instill Confidence That the Settlement is Fair10

V. Mr. Litteken Properly Objected to Class Counsel's Attempt to Inhibit Those Who are Critical of the Settlement13

VI. Class Counsel's Percentage Fee Request Ignores Seventh Circuit Law and Is Undermined by an Unbelievable Lodestar Amount13

CONCLUSION20

TABLE OF AUTHORITIES

United States Appellate Court Cases

Camp Drug Store, Inc. v. Cochran Wholesale Pharm., Inc.,
897 F.3d 825 (7th Cir. 2018)18

Creative Montessori Learning Centers v. Ashford Gear LLC,
662 F.3d 913 (7th Cir. 2011)11

In re Equifax Inc. Customer Data Sec. Breach Litig.,
999 F.3d 1247 (11th Cir. 2021)3

In re Nat’l Football League Players Concussion Inj. Litig.,
821 F.3d 410 (3d Cir. 2016).....9

In re Subway Footlong Sandwich Mktg. & Sales Pracs. Litig.,
869 F.3d 551(7th Cir. 2017)12

In re Sw. Airlines Voucher Litig.,
799 F.3d 701 (7th Cir. 2015)11

In re Synthroid Mktg. Litig.,
264 F.3d 712 (7th Cir. 2001)14

In re Synthroid Mktg. Litig.,
325 F.3d 974 (7th Cir. 2003)17

In re Volkswagen “Clean Diesel” Mktg., Sales Pracs., & Prod. Liab. Litig.,
895 F.3d 597 (9th Cir. 2018)9

Kaufman v. Am. Express Travel Related Servs. Co., Inc.,
877 F.3d 276 (7th Cir. 2017)7

Keil v. Lopez,
862 F.3d 685 (8th Cir. 2017)9

Pearson v. NBTY, Inc.,
772 F.3d 778 (7th Cir. 2014)14

Redman v. RadioShack Corp.,
768 F.3d 622 (7th Cir. 2014) *passim*

Silverman v. Motorola, Inc.,
739 F.3d 956 (7th Cir. 2013)15, 16

Wong v. Accretive Health, Inc.,
773 F.3d 859 (7th Cir. 2014)2, 12

United States District Court Cases

Aranda v. Caribbean Cruise Line, Inc.,
No. 12 C 4069, 2017 WL 1369741 (N.D. Ill. Apr. 10, 2017).....16

Breckenridge Brewery of Colorado, LLC v. Xcel Energy, Inc.,
No. 06-cv-01110-REB-MEH, 2021 WL 4060386 (D. Colo. July 23, 2021).....19

Crumpton v. Octapharma Plasma, Inc.,
19-cv-8402 (N.D. Ill. Feb. 16, 2022)3

Douglas v. W. Union Co.,
328 F.R.D. 204 (N.D. Ill. 2018).....19

E.R. v. TikTok,
No. 1:20-cv-02810, dkt. 1 (N.D. Ill. May 8, 2020).....20

Higgins v. TV Guide Mag., LLC,
No. 15-cv-13769 (E.D. Mich. Dec. 5, 2018)3

In re Anthem, Inc. Data Breach Litig.,
No. 15-MD-02617-LHK, 2018 WL 3960068 (N.D. Cal. Aug. 17, 2018).....14

In re Broiler Chicken Antitrust Litigation,
No. 16 C 8637, 2021 WL 5709250 (N.D. Ill. Dec. 1, 2021)15

In re Capital One TCPA Litig.,
80 F. Supp. 3d 781 (N.D. Ill. 2015) *passim*

In re Facebook Biometric Info. Priv. Litig.,
No. 15-cv-3747-JD (N.D. Cal.) *passim*

In re Facebook Biometric Info. Priv. Litig.,
522 F. Supp. 3d 617 (N.D. Cal. Feb. 26, 2021)3

In re Trans Union Corp. Priv. Litig.,
No. 00 C 4729, 2008 WL 11358136 (N.D. Ill. Jan. 3, 2008)5

In re Trans Union Corp. Priv. Litig.,
No. 00 C 4729, 2009 WL 4799954 (N.D. Ill. Dec. 9, 2009)17

In re Volkswagen “Clean Diesel” Mktg., Sales Pracs., & Prod. Liab. Litig.,
No. MDL 2672 CRB (JSC), 2016 WL 6248426 (N.D. Cal. Oct. 25, 2016).....9

Khoday v. Symantec Corp.,
 No. 11-cv-180 (JRT/TNL), 2016 WL 1637039 (D. Minn. Apr. 5, 2016)19

Moeller v. American Media, Inc.,
 No. 16-cv-11367 (E.D. Mich. Sept. 28, 2017).....4

Powers v. Filters Fast, LLC,
 No. 20-CV-982-JDP, 2022 WL 461996 (W.D. Wis. Feb. 15, 2022)5

Raden v. Martha Stewart Living Omnimedia, Inc., et al.,
 No. 16-cv-12808 (E.D. Mich. July 17, 2019)4

Redman v. RadioShack Corp.,
 No. 11 C 6741, 2014 WL 497438 (N.D. Ill. Feb. 7, 2014).....8

Ruppel v. Consumers Union of United States, Inc.,
 No. 16-cv-02444 (S.D.N.Y. Dec. 4, 2018)4

Tait v. BSH Home Appliances Corporation,
 No. SACV 10-0711-DOC (ANx), 2015 WL 4537463 (C.D. Cal. July 27, 2015).....19

Thome v. NOVAtime Tech., Inc.,
 No. 19-cv-6256 (N.D. Ill. Mar. 8, 2021).....3

State Circuit Court Cases

Kusinski v. ADP LLC,
 No. 2017-CH-12364 (Cir. Ct. Cook Cnty. Feb. 10, 2021)3

Sekura v. L.A. Tan Enters., Inc.,
 No. 2015-CH-16694 (Cir. Ct. Cook Cnty. Dec. 1, 2016).....3

Miscellaneous Authority

Cal. Bus. & Prof. Code § 614913

Fed. R. Civ. P. 23..... *passim*

Fed. R. Evid. 6026

Fed. Trade Comm’n,
Consumers and Class Actions: A Retrospective and Analysis of Settlement Campaigns
 (Sept. 2019), available at https://www.ftc.gov/system/files/documents/reports/consumers-class-actions-retrospective-analysis-settlement-campaigns/class_action_fairness_report_0.pdf2

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.