

EXHIBIT A

**IN THE CIRCUIT COURT OF PHELPS COUNTY
STATE OF MISSOURI**

HANNAH RAMSEY-STANDAGE;
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

ABBOTT LABORATORIES,

Defendant.

Case No. 22PH-CV00853

**DECLARATION OF L. DEWAYNE LAYFIELD IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, L. DeWayne Layfield, hereby declare as follows:

1. I am an attorney licensed to practice before all state courts in Texas, have been admitted pro hac vice in this Court, and am the managing member of the Law Office of L. DeWayne Layfield, PLLC. The Law Office of L. DeWayne Layfield, PLLC is one of the firms that is Lead Class Counsel for Plaintiffs in the above-referenced action. I make this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement.

2. I am one of the attorneys that is primarily responsible for representing the Plaintiff in this action. In addition to the support of highly experienced staff at Law Office of L. DeWayne Layfield, PLLC this matter was also ably prosecuted by a team of esteemed litigators who are experienced in complex litigation. Pursuant to the Preliminary Approval Order, Lead Class Counsel in this matter includes KamberLaw LLC, the Law Office of L. DeWayne Layfield, PLLC, and Steelman Gaunt Crowley. In addition, Class Counsel, under the Settlement Agreement, also

includes Southern Atlantic Law Group, PLLC and the Law Offices of Howard W. Rubenstein PA.

3. I have actively participated in all aspects of this litigation, including the negotiation of the settlement, and am fully familiar with the proceedings in the matter in which the parties seek resolution. If called upon, I am competent to testify that the following facts are true and correct based upon my personal knowledge.

4. I specifically incorporate by reference my declaration in support of Plaintiffs' Motion for an Attorneys' Fees and Costs Award, and Class Representative Service Awards, filed November 30, 2022.

5. This case arises out of Plaintiff's allegations that Defendant Abbott Laboratories ("Defendant") deceptively and unlawfully packaged, marketed, and labeled certain powdered infant formula Products as defined in the Settlement Agreement, which are sold in a variety of sizes, and collectively referred to herein as "Products" or a "Product." The definition of "Product" and "Products" herein is limited to those products listed on Exhibit C to the Settlement Agreement, which has been preliminarily approved by the court. Specifically, Plaintiff alleged that Defendant represented that the Products are capable of making a certain number of liquid 4-ounce bottles of formula; however, contrary to these representations, the Products do not always yield the represented number of 4-ounce bottles of liquid formula when consumers follow the "Instructions for Preparation & Use" on the label of the Products.

6. This litigation required considerable skill and experience to result in such a successful conclusion. The case required investigation and a mastery of complex factual circumstances, the ability to develop creative legal theories, and the skill to respond to a host of legal defenses. In addition, Defendant is represented by the prominent and well-respected law firms of Latham & Watkins LLP and Berry Silberberg Stokes PC. This class action case against Defendant required advanced planning and scientific investigation involving experts and certified laboratory facilities, strategic skills, imagination, resourcefulness, and management abilities of the highest order to match a highly qualified, experienced, and formidable opposition. The prosecution and settlement of this litigation required a very high degree of competence, experience, and ability by Class Counsel.

7. During an in-person mediation session (held via zoom), the parties candidly expressed the strengths and weaknesses of their positions in a full and professional process mediated by the Hon. Wayne Andersen (Ret.). Although all aspects of an agreement were not reached during the mediation, the parties, with the continued assistance of the Hon. Judge Andersen, were able to continue to negotiate, and ultimately reached a Settlement that provides meaningful cash compensation to Settlement Class Members, as well as substantial injunctive relief, and avoids the risks and delay of further litigation. The process of the independent and mediated negotiation sessions took a significant investment of time and effort over the course of more than a year and a half. The results achieved in this case are fair, reasonable, adequate, and in the best interests of the Class. They provide substantial relief to all class members, including that:

- Defendant will provide injunctive relief (“Programmatic Relief”) through the removal or revision of the Challenged Language from the labels of the Products; and

- Defendant has agreed to a two-tiered structure to provide monetary relief to Class Members, under which Defendant will provide cash benefits to Settlement Class Members who timely file Claims by the Claims Deadline and who provide either Proofs of Claim or a valid claim form to the Settlement Administrator. The two-tier structure provides compensation for both Class Members with Proof of Purchase and those without Proof of Purchase.

8. I believe that the substantive work accomplished by Class Counsel and their collective trial experience created a credible threat of success in ongoing litigation, which was critical to obtaining a Settlement of such a high caliber.

9. Throughout the mediation and negotiation efforts, and in advising our clients of the proposed settlement, Class Counsel has at all times considered the fairness, reasonableness and adequacy of the settlement for the Class, taking into account: the strength of Plaintiff's case; the risk, expense, complexity, and likely duration of any further litigation; the risk of certifying a class and then maintaining class action status through trial; the amount offered in settlement and the experience; and views of Plaintiff's counsel.

10. The Parties have agreed under the proposed Settlement that Abbott Laboratories will pay a Maximum Settlement Amount of US \$19.5 million. *See* Settlement Agreement, attached as Exhibit 1 to the Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement.

11. Class Counsel further represents that, consistent with controlling law and ethical standards promulgated by the Missouri Bar, no Plaintiff attorneys have requested or been offered any compensation, appointment, or benefit by Defendant during negotiations related to the

settlement of this case other than the proposed attorneys' fees and costs outlined above, which are subject to court approval.

12. Against the backdrop of Class Counsel's collective experience in prosecuting complex class actions, we have considered the claims set forth in the Complaint and our continued confidence in the merit of those claims, the scope of relief offered in the settlement compared to the potential relief at the conclusion of litigation, and the risks and costs of continued litigation. Taking these factors into account, it is my opinion that the proposed Settlement is fair, reasonable, and adequate, well within the range of possible approval, and therefore deserving of the Court's final approval.

13. On September 22, 2022, this Court entered an Order granting Preliminary Approval of the Settlement now before this Court for Final Approval. Since that time, Class Counsel has worked closely with Defense Counsel and the Settlement Administrator, Kroll Settlement Administration ("Kroll"), to ensure that all aspects of the Preliminary Approval Order were carried out.

14. Specifically, Class Counsel has expended significant time working with Kroll involving claims administration: issuing Notice to Class Members, processing claims, responding to inquiries, and conducting other activities relating to class notice and administration under the Parties' supervision.

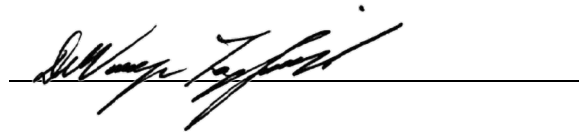
15. The fairness, reasonableness, and adequacy of the Settlement is further supported by the overwhelmingly positive Class Member response to the Settlement. Specifically, and as detailed more fully in the previously filed Dudinsky Report, as of December 15, 2022, Kroll has received over 430,000 claims.

16. In contrast, as of the exclusion and objection deadline of December 14, 2022, no Objections to the Settlement were lodged. On December 15, 2022, a single request for exclusion was received via email from a purported Class Member. *See* Dudinsky Report, at ¶ 11.

17. Having reached full agreement on terms and conditions of the Settlement, received the Court’s Preliminary Approval, and garnered the overwhelming support of Class Members, and the Class Representatives, Plaintiffs now respectfully request that this Court grant Final Approval to the Settlement; enter Final Judgment; and Dismiss the Action with prejudice.¹

18. I declare under penalty of perjury under the laws of the states of Texas and Missouri that the foregoing is true and correct.

Executed this 27th day of December, 2022 Jackson
County, Missouri



L. DeWayne Layfield

¹ Lead Class Counsel has separately moved for an award of Attorneys’ Fees and Costs and Class Representative Service Awards, filed November 30, 2022.