

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZHARIA CHARLES, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

COLOR FACTORY, LLC,

Defendant.

Civil Action No. 1:24-cv-00322-JSR

Hon. Jed S. Rakoff

**DECLARATION OF ZHARIA CHARLES IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR
ATTORNEYS' FEES, COSTS, EXPENSES, AND SERVICE AWARD**

I, Zharia Charles, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an adult over the age of 18 and a resident of the State of New York. I am the Class Representative in the lawsuit entitled *Zharia Charles v. Color Factory, LLC*, Case No. 24-cv-00322-JSR, currently pending in the United States District Court for the Southern District of New York. I make this Declaration in support of (i) the Motion for Final Approval of Settlement, and (ii) the Motion for Attorneys' Fees, Costs, Expenses, and Service Award. 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. On October 29, 2023, I purchased two general admission tickets to Color Factory NYC and paid \$84.00 for those tickets themselves, an additional \$10.00 for a Scavenger Hunt add on, and \$19.72 in Taxes & Fees through Defendant's website, www.colorfactory.co. I was not shown the total cost of the ticket, including these \$19.72 of "Taxes & Fees" until I reached the final checkout page. Prior to reaching that final checkout page, I was clicked through several

screens that displayed the cost of the general admission tickets (\$84.00) excluding these “Taxes & Fees.”

3. I assisted with the litigation of this case by detailing my ticket purchase and providing 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, document and deposition discovery, 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 and produce documents in response to extensive written discovery requests, and I reviewed and verified detailed responses to interrogatories. I was also spent several hours meeting with my attorneys to prepare for my deposition. Although my deposition ultimately never went forward because of the settlement, I was 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 discussed 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 declare under penalty of perjury that the above and foregoing is true and accurate.

Executed on _____ at New York, New York.

Charles, Zharia
Charles, Zharia (Aug 28, 2024 17:20 EDT)
Zharia Charles