

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MONIQUE BELL, TREE ANDERSON, and
MELISSA CONKLIN, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

CVS PHARMACY, INC.,

Defendant.

Case No. 1:21-cv-06850-PK

Hon. Peggy Kuo

**DECLARATION OF MELISSA CONKLIN IN SUPPORT OF PLAINTIFFS’ MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR
ATTORNEYS’ FEES, COSTS, EXPENSES, AND INCENTIVE AWARD**

I, MELISSA CONKLIN, 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 a Class Representative in the lawsuit entitled *Bell v. CVS Pharmacy, Inc.*, Case No. 1:21-cv-06850-PK, currently pending in the Eastern District of New York. I make this Declaration 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 Declaration are based on my personal knowledge and, if called as a witness, I could and would testify competently thereto under oath.

2. In or about the first quarter of 2021, I bought a CVS-branded Lidocaine Pain Relief Spray (the “Product”) from a CVS store located in Brooklyn, New York. I relied on the Product’s label when purchased the Product and I believed it was “Maximum strength.” However, the Product did not provide “maximum strength” and provided less lidocaine than other comparable, less expensive over-the-counter lidocaine products. Had I known the Product

had less than the “maximum strength,” I would not have purchased the Product or would have paid significantly less for it.

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.

4. I also worked with my attorneys to prepare the Amended Class Action Complaint. I carefully reviewed the Amended 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 litigation strategy, mediation, and the prospects of settlement. Furthermore, when appropriate, I informed my attorneys of additional facts for their research and consideration.

6. I was also prepared to testify at deposition and trial, if necessary.

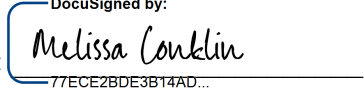
7. My lawyers have kept me well informed regarding the efforts to resolve this matter. I reviewed the Class Action Settlement Agreement with them and gave my approval prior to signing it.

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

Executed this 19 day of September 2023

Signature: 77ECE2BDE3B14AD...