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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MIKE XAVIER and STEVEN PRESCOTT,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

BAYER HEALTHCARE LLC, a Delaware  
limited liability company; BEIERSDORF,  
INC., a Delaware corporation,

Defendants.

Case No. 5:20-CV-00102-NC  
Case Filed: 1/3/2020  
FAC Filed: 5/15/2020

*Assigned for all purposes to the Hon. Nathanael  
M. Cousins*

**DECLARATION OF KEVIN O. MOON RE:  
CY PRES AWARD IN SUPPORT OF  
MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

**DECLARATION OF KEVIN O. MOON**

I, KEVIN MOON, hereby declare as follows:

1. I am a partner at Moon Law APC (“Moon Law Firm”), counsel of record for Plaintiffs Mike Xavier and Steven Prescott (“Plaintiffs”) in this action. I make this declaration in support of Plaintiffs’ Amended Motion for Preliminary Approval of Class Action Settlement. I base the following on my personal knowledge except where expressly stated as based upon information and belief. If called as a witness to testify to these matters, I could and would do so competently.

2. I have submitted concurrently herewith a true and correct copy of the following documents:

a. **Exhibit 3:** Moon Law Firm’s resume that truthfully and accurately sets forth some of its attorneys’ relevant qualifications to serve as Class Counsel for the Settlement Class that is the subject of the instant motion (“**Moon Law Firm Resume**”).

3. **No Ownership Interest in LGFB.** Moon Law Firm, including its owners, executive officers, and employees, do not have an ownership interest in Look Good Feel Better Foundation (“LGFB Foundation”).

4. **No Control Over LGFB.** Moon Law Firm, including its owners, executive officers, and employees, are not officers, directors, or employees of LGFB Foundation and therefore do not have any right or ability to control how LGFB Foundation would administer or allocate any *cy pres* award that it may receive under the terms of the proposed settlement in this action.

5. **No Donations to LGFB.** Moon Law Firm, including its owners, executive officers, and employees, have not donated money, services, or goods to LGFB Foundation.

6. **No Collusion.** Moon Law Firm, including its owners, executive officers, and employees, have not engaged in any sort of collusion with any party, their counsel, or LGFB Foundation to use or steer any *cy pres* award to LGFB Foundation to serve the personal, corporate, or financial interests of any party or their counsel.

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7. **Reason for Designation.** Moon Law Firm, including its partners who serve as counsel of record in this action, agreed to the designation of LGFB Foundation as a *cy pres* award recipient under the terms of the proposed settlement in this action solely based on the belief that the charitable organization, which combats cancer, would use the award in a manner that serves the interests of the class of consumers who purchase sunscreen (and the products at issue in this case), which are products primarily designed to provide sun protection and, therefore, prevent cancer.

I declare the foregoing is true and correct under the penalty of perjury of the laws of the United States of America.

Executed this 13<sup>th</sup> day of July, 2021.

Kevin O. Moon  
KEVIN O. MOON