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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 MIKE XAVIER RE: CY
PRES AWARD IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

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DECLARATION OF MIKE XAVIER

I, MIKE XAVIER, hereby declare as follows:

1. I am aa party and named-plaintiff in this action. I make this declaration in support of Plaintiffs Steven Prescott and Mike Xavier’s (“Plaintiffs”) Amended Motion for Preliminary Approval of Class Action Settlement. I based 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. **No Ownership Interest in LGFB.** I do not have an ownership interest in Look Good Feel Better Foundation (“LGFB Foundation”).

3. **No Control Over LGFB.** I am not an officer, director, or employee 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.

4. **No Donations to LGFB.** I have not donated money, services, or goods to LGFB Foundation.

5. **No Collusion.** I 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.

6. **Reason for Designation.** I have 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.

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

Executed this 8 day of July, 2021.



MIKE XAVIER