

KAZEROUNI LAW GROUP, APC
245 FISHER AVENUE, UNIT D1
COSTA MESA, CA 92626

KAZEROUNI LAW GROUP, APC

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Attorneys for Plaintiff,

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**HEATHER MAXIN,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

RHG & COMPANY, INC.,

Defendant.

Case No.: 16-cv-2625-JLS-BLM

**DECLARATION OF ABBAS
KAZEROUNIAN IN SUPPORT OF
PLAINTIFF HEATHER MAXIN'S
MOTION FOR ATTORNEYS' FEES
AND COSTS**

DATE: February 15, 2018

TIME: 1:30 p.m.

COURTROOM: 4D

HON. JANIS L. SAMMARTINO

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9. I have incurred 113.2 hours in connection with this action, which time records were carefully reviewed. Specifically, I have incurred hours reviewing documents, analyzing data produced by Defendant, communicating with opposing counsel, communicating with co-counsel on related matters, preparing for hearings, preparing for and participating in depositions, motion practice, and a significant amount of time participating in mediations as well as extensive pre-litigation investigation.

10. I am not seeking recovery of fees for hours incurred by paralegals working at Kazerouni Law Group on this action.

11. I believe that the Parties are fully apprised of the relative strengths and weaknesses of each other’s claims and defenses and the potential risks to each party of pursuing further litigation in this matter, especially following mediation.

12. I continue to be unaware of any conflict of interest between Plaintiff and any settlement class member or between Plaintiff and Plaintiff’s attorneys.

CLASS COUNSEL’S EXPERIENCE

13. Since my admission to the State Bar of California in 2007, I have been engaged exclusively in the area of consumer rights litigation, primarily in the area of fair debt collections, the defense of debt collection lawsuits, class action litigation under the Telephone Consumer Protection Act, California’s invasion of privacy statutes pursuant to Penal Code § 630, *et seq.*, and false advertising actions concerning consumer products.

14. The hourly rate that I am seeking in this action is \$625, which I believe is reasonable.

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- 15. I was also approved for an hourly rate of \$625 in *Hooker, Jr., et al. v. Sirius XM Radio, Inc.*, 13-cv-003 (E.D. Va. May 11, 2017).
- 16. I have also been approved for an hourly rate of \$605 in *Oxina v. Lands' End, Inc.*, Case No. 3:14-cv-02577-MMA-NLS (United States District Court, Southern District of California; Dec. 2, 2016); *Abdeljalil v. GE Capital Retail Bank*, No. 3:12-cv-02078-JAH-MDD (S.D. Cal. Dec. 22, 2016); and, *Medeiros v. HSBC Card Servs.*, 2017 U.S. Dist. LEXIS 178484, at *38 (C.D. Cal. Oct. 23, 2017) (Approving \$605 hourly rate).
- 17. My firm, Kazerouni Law Group, APC, in which I am a principal, has litigated over 2000 cases in the past eight years. My firm has five offices in Orange County, California, San Luis Obispo, California, Phoenix, Arizona, Las Vegas, Nevada, and Dallas, Texas. Kazerouni Law Group, APC has extensive experience in consumer class actions and other complex litigation. My firm has a history of aggressive, successful prosecution of consumer class actions, Approximately 95% percent of my practice concerns consumer litigation in general.

**KAZEROUNI LAW GROUP, APC'S
CONSUMER RELATED EXPERIENCE AND RESULTS**

- 18. A brief summary of a non-inclusive list of notable published decisions are as follows:
 - a. *Sherman v. Yahoo!, Inc.*, 2014 U.S. Dist. LEXIS 13286; 13-CV-0041-GPC-WVG (S.D. Cal.) (TCPA class action where Defendant's motion for summary judgment was denied holding that a single call or text message with the use of an ATDS may be actionable under the TCPA);

- 1 b. *Olney v. Progressive Casualty Insurance Company*, 13-CV-2058-GPC-
2 NLS, 2014 U.S. Dist. LEXIS 9146 (S.D. Cal.) (Defendant's motion to
3 dismiss or in the alternative to strike the class allegations was denied
4 finding that debt collection calls were not exempt from coverage under the
5 TCPA);
- 6 c. *Iniguez v. The CBE Group, Inc.*, 2013 U.S. Dist. LEXIS 127066 (E.D.
7 Cal.); 13-CV-00843-JAM-AC (The court denied Defendant's motion to
8 dismiss and to strike class allegations holding that the TCPA applies to any
9 call made to a cellular telephone with an ATDS);
- 10 d. *Stemple v. QC Holdings, Inc.*, No. 12-cv-01997-BAS (WVG), 2014 U.S.
11 Dist. LEXIS 125313 (S.D. Cal. Sep. 5, 2014) (order denying defendant's
12 motion for reconsideration of class certification under the TCPA);
- 13 e. *Chen v. Allstate Ins. Co.*, 819 F.3d 1136 (9th Cir. 2016) (order affirming
14 decision finding unaccepted offer of judgment under Fed. R. Civ. P. 68 did
15 not moot the plaintiff's individual TCPA claims).

16 19. I have filed and litigated numerous consumer class actions over the last several
17 years, including but not limited to the following, which I am or have been
18 personally involved in:

- 19 a. *Lemieux v. EZ Lube, LLC, et al.*, 12-CV-01791-JLS-WYG (S.D. Cal.)
20 (Served as co-lead counsel; finally approved on December 8, 2014);
- 21 b. *Malta, et al. v. Wells Fargo Home Mortgage, et al.*, 10-CV-1290-IEG
22 (BLM) (Served as co-lead counsel for a settlement class of borrowers in
23 connection with residential or automotive loans and violations of the
24 TCPA in attempts to collect on those accounts; obtained a common
25 settlement fund in the amount of \$17,100,000; final approval granted in
26 2013);

- 1 c. *Conner v. JPMorgan Chase Bank, et al.*, 10-CV-1284 DMS (BGS) (S.D.
2 Cal.) (finally approved \$11,973,558);
- 3 d. *In Re: Midland Credit Management, Inc., Telephone Consumer Protection*
4 *Act Litigation*, 11-md-2286-MMA (MDD) (S.D. Cal.) (Counsel for a
5 Plaintiff in the lead action, prior to the action being recategorized through
6 the multi-district litigation process; finally approved for \$18,000,000);
- 7 e. *In Re: Portfolio Recovery Associates, LLC Telephone Consumer*
8 *Protection Act Litigation*, 11-md-02295-JAH (BGS) (Counsel for a
9 Plaintiff in the lead action, prior to the action being recategorized through
10 the multi-district litigation process; preliminarily approved);
- 11 f. *Arthur v. SLM Corporation*, 10-CV-00198 JLR (W.D. Wash.)
12 (Nationwide settlement achieving the then-largest monetary settlement in
13 the history of the TCPA concerning calls to cellular telephone at the time:
14 \$24.15 million; final approval granted in 2012);
- 15 g. *Lo v. Oxnard European Motors, LLC, et al.*, 11-CV-1009-JLS-MDD (S.D.
16 Cal.) (Achieving one of the highest class member payouts in a TCPA
17 action of \$1,331.25 per claimant; final approval granted in 2012);
- 18 h. *Sarabri v. Weltman, Weinberg & Reis Co., L.P.A.*, 10-01777-AJB-NLS
19 (S.D. Cal.) (Approved as co-lead counsel and worked to obtain a national
20 TCPA class settlement where claiming class members each received
21 payment in the amount of \$70.00 per claimant; final approval granted in
22 2013);
- 23 i. *Barani v. Wells Fargo Bank, N.A.*, 12-CV-02999-GPC (KSC) (S.D. Cal.)
24 (Co-lead class counsel in a settlement under the TCPA for the sending of
25 unauthorized text messages to non-account holders in connection to wire
26 transfers; finally approved on March 6, 2015 for over \$1,000,000);

- 1 j. *Mills v. HSBC Bank Nevada, N.A.*, Case No. 12-CV-04010-SI (N.D. Cal.)
2 (Finally approved for \$39,975,000);
- 3 k. *In Re Jiffy Lube International, Inc.*, MDL No. 2261 (Finally approved for
4 \$47,000,000.00);
- 5 l. *Sherman v. Kaiser Foundation Health Plan, Inc.*, 13-CV-0981-JAH
6 (JMA) (S.D. Cal.) (Settled for \$5,350,000 and finally approved on May
7 12, 2015; served as co-lead counsel);
- 8 m. *Knell, et al. v. FIA Card Services, N.A.*, 13-CV-01653-AJB-WVG (S.D.
9 Cal.) (California class action settlement under Penal Code 632 et seq., for
10 claims of invasion of privacy. Settlement resulted in a common fund in
11 the amount of \$2,750,000; finally approved in August 15, 2014);
- 12 n. *Hoffman v. Bank of America Corporation*, 12-CV-00539-JAH-DHB (S.D.
13 Cal.) (California class action settlement under Penal Code 632 et seq., for
14 claims of invasion of privacy. Settlement resulted in a common fund in
15 the amount of \$2,600,000; finally approved on November 6, 2014 and
16 served as co-lead counsel);
- 17 o. *Couser v. Comenity Bank*, 12-cv-02484-MMA-BGS (S.D. Cal. Oc. 2,
18 2014) (Finally approved for \$8,475,000 on May 27, 2015 as served as co-
19 lead counsel);
- 20 p. *Zaw v. Nelnet, Inc.*, C 13-5788 RS (N.D. Cal.) (California class action
21 settlement under Penal Code 632 et seq., for claims of invasion of privacy.
22 Settlement resulted in a common fund in the amount of \$1,188,110.00;
23 finally approved on November 14, 2014);
- 24 q. *Couser v. Apria Healthcare, Inc. et al.*, 13-cv-00035-JVS-RNB (C.D. Cal.
25 Oct. 27, 2014) (Finally approved on March 9, 2015 and served as co-lead
26 counsel);

- 1 *r. Rose v. Bank of America Corporation et al.*, 12-cv-04009-EJD (N.D. Cal.)
2 (Finally approved for \$32,000,000 in 2014);
- 3 *s. Newman v. AmeriCredit Financial Services*, 11-cv-03041-DMS-BLM
4 (S.D. Cal.) (finally approving TCPA settlement for over \$6,500,000 on
5 March 28, 2016);
- 6 *t. Fox v. Asset Acceptance, LLC*, 14-cv-00734-GW-FFM (C.D. Cal. July 1,
7 2016) (finally approved TCPA class action for \$1,000,000; \$200,000 cash
8 and \$800,000 debt relief);
- 9 *u. Barrett v. Wesley Financial Group, LLC*, 13-cv-00554-LAB-KSC (S.D.
10 Cal.) (Class certification granted); and,
- 11 *v. Gehrich v. Chase Bank, N.A.*, 12-cv-5510 (N.D. Cal.) (finally approved for
12 \$34,000,000);
- 13 *w. Macias v. Water & Power Community Credit Union*, BC515936 (Los
14 Angeles Superior Court) (Class certification granted under the Rosenthal
15 Fair Debt Collection Practices Act; class action settlement finally approved
16 on April 21, 2016);
- 17 *x. Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles)
18 (finally approved for \$5,600,000);
- 19 *y. Oxina v. Lands' End, Inc.*, 3:14-cv-02577-MMA-NLS (S.D. Cal. 2016)
20 (finally approved settlement under California Made in the USA statute);
- 21 *z. LaPuebla v. BirchBox, Inc.*, 3:15-cv-00498-BEN-BGS (S.D. Cal. 2016)
22 (finally approved settlement in unlawful auto-renewal action);
- 23 *aa. Medeiros v. HSBC Bank Nevada, N.A.*, 3:14-cv-01786-JLS-MDD
24 (S.D. Cal. 2016) (preliminarily approved action under the California
25 Invasion of Privacy Act, Penal Code 632, *et seq.*);
- 26

- 1 bb. *Knutson v. Schwan's Home Service, Inc. et al.*, 3:12-cv-00418-AJB-DHB
2 (S.D. Cal.) (finally approved for \$2,535,280);
- 3 cc. *Stemple v. QC Holdings, Inc.*, 12-cv-01997-BAS-WVG (S.D. Cal. Nov. 7,
4 2016) (finally approved for \$1,500,000);
- 5 dd. *Abdeljalil v. GE Capital Retail Bank*, 12-cv-02078-JAH-MDD (S.D. al.)
6 (Class Certification granted and finally approved for \$7,000,000);
- 7 ee. *Couser v. Apria Healthcare, Inc. et al.*, 13-cv-00035-JVS-RNB (C.D. Cal.
8 Oct. 27, 2014) (Finally approved on March 9, 2015 and served as co-lead
9 counsel);
- 10 ff. *Fox v. Asset Acceptance, LLC*, 14-cv-00734-GW-FFM (C.D. Cal. July 1,
11 2016) (finally approved TCPA class action for \$1,000,000; \$200,000 cash
12 and \$800,000 debt relief);
- 13 gg. *Hooker v. Sirius XM Radio Inc.*, 4:13-cv-00003-AWA-LRL (E.D.Va.
14 December 22, 2016) (Served as co-lead counsel in finally approved TCPA
15 class action settlement with a monetary fund of \$35,000,000; ruling on fee
16 petition is pending);
- 17 hh. *Caldera v. Am. Med. Collection Agency*, 2017 U.S. Dist. LEXIS 99239
18 (C.D. Cal. June 27, 2017) (Order certifying nationwide TCPA class
19 action);
- 20 ii. *Burkhammer v. Allied Interstate, LLC*, 2017 Cal. Super. LEXIS 109 (Sup.
21 Ct. San Luis Obispo) (RFDCPA class action finally approved on October
22 30, 2017);
- 23 jj. *Moreno-Peralta v. TRS Recovery Services, Inc.*, 2017 Cal. Super. LEXIS
24 548 (Sup. Ct. San Luis Obispo Oct. 10, 2017) (RFDCPA class action
25 preliminarily approved);
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kk. Maxin v. RHG & Company, Inc., 2017 U.S. Dist. LEXIS 27374 (S.D. Cal. Feb. 27, 2017) (Supplement Misrepresentation class action preliminarily approved on February 27, 2017);

ll. Giffin v Universal Protein Supplements Corporation, (Los Angeles Superior Court), BC613414 (Supplement Misrepresentation class action preliminarily approved on December 28, 2016); and,

mm. Luster v. Wells Fargo Dealer Services, Inc., 15-cv-1058 (TWT) (N.D. Ga. November 8, 2017) (TCPA class action finally approved in the amount of \$14,834,058.00); and,

nn. McPolin v. Credit Service of Logan, 16-cv-116 BSJ (Utah District Court) (FDCPA class action with consumers to each receive \$1,428.57, debt relief, and tradeline deletion finally approved on November 9, 2017).

20. Many of the cases listed above, which have settled, resulted in the creation of combined common funds and/or distribution to class member in the hundreds of millions of dollars. The outstanding results mentioned above are a direct result of the diligence and tenacity shown by Kazerouni Law Group, APC and myself, in successfully prosecuting complex class actions.

21. I argued before the Ninth Circuit Court of Appeals in the case of *Knutson v. Sirius XM Radio*, No. 12-56120 (9th Cir. 2014) as co-lead counsel, which resulted in an order in favor of my client.

22. On December 6, 2016, I argued before the Ninth Circuit Court of Appeals in the case of *Marks v. Crunch San Diego, LLC*, No. 14-56834.

23. I argued before the Ninth Circuit Court of Appeals on April 7, 2017 which resulted in a reversal in favor of the consumer in *Afewerki v. Anaya Law Grp.*, 868 F.3d 771 (9th Cir. Aug. 18, 2017).

**ADDITIONAL RELEVANT TRAINING,
SPEAKING/TEACHING ENGAGEMENTS AND ASSOCIATIONS**

24. I am an adjunct professor at California Western School of Law where I teach a three-credit course in consumer law.

25. I have undergone extensive training in the area of consumer law and the Telephone Consumer Protection Act. The following is a list of recent training conferences I attended:

- a. Four-day National Consumer Law Center Conference; Nashville, TN – 2008;
- b. Three-day National Consumer Law Center Conference; Portland, OR - 2008;
- c. Three-day National Consumer Law Center Conference; San Diego, CA - 2009;
- d. Three-day National Consumer Law Center Conference; Seattle, WA - 2011;
- e. National Consumer Law Center Conference in 2013;
- f. National Consumer Law Center Conference in 2014;
- g. National Consumer Law Center Conference in 2015;
- h. National Consumer Law Center Conference in 2016;
- i. Three-day CAALA Conference; Las Vegas, NV – 2009;
- j. Three-day CAALA Conference; Las Vegas, NV – 2013;
- k. Three-day CAALA Conference; Las Vegas, NV – 2015;
- l. Three-day CAALA Conference; Las Vegas, NV – 2016;
- m. Three-day CAOC Conference – 2014 and 2015;
- n. Speaker at ABA National Conference, Business Litigation Section; Trends in Consumer Litigation; San Francisco, CA – 2013;

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- 1 o. Speaker at the ABA TCPA National Webinar (Consumer Protection,
- 2 Privacy & Information Security, Private Advertising Litigation, and Media
- 3 & Technology Committees) – September 2013;
- 4 p. Spoke at the 2014 ACA Conference in November 2014;
- 5 q. Speaker at ACI Conference in Dallas, TX in September of 2016
- 6 concerning The Borrower's Perspective: Insight From The Plaintiffs' Bar
- 7 and Consumer Advocates;
- 8 r. Speaker on TCPA panel in September of 2016 at the Annual Consumer
- 9 Financial Services Conference;
- 10 s. Spoke at the 2016 CAOC Conference in November of 2016; and,
- 11 t. Due to speak on Deposition Technology at 2017 CAOC Conference in San
- 12 Francisco on November 17, 2017.

13 26. As one of the main plaintiff litigators of consumer rights cases in the Central
 14 District of California, I have been requested to and have made regular
 15 presentations to community organizations regarding debt collection laws and
 16 consumer rights, including the Telephone Consumer Protection Act
 17 (“TCPA”). These organizations include Whittier Law School, Iranian
 18 American Bar Association, Trinity School of Law and Chapman Law School,
 19 University of California, Irvine, and California Western School of Law.

20 27. I was the principle anchor on Time Television Broadcasting every Thursday
 21 night as an expert on consumer law generally, and the TCPA specifically,
 22 between 2012 and 2013.

23 28. I was named Rising Star by San Diego Daily Tribune in 2012, and Rising
 24 Star in Super Lawyers Magazine in 2013, 2014 and 2015. I was named a
 25 Super Lawyer by Super Lawyers Magazine in 2016 and 2017.

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1 29. I was selected for membership into The National Trial Lawyers: Top 40
2 Under 40 in 2016; and, 2017.

3 30. I was a panelist in a webinar, ABA Telephonic Brown Bag re: TCPA, on
4 August 25, 2015.

5 31. I lectured in Class Action Trends at the CAOC 2015 Conference in San
6 Francisco, California.

7 32. In January of 2016, I spoke on the impact of the Federal Communications
8 Commission's 2015 Declaratory Ruling on TCPA litigation at the ABA
9 National Convention in Salt Lake City, Utah.

10 33. In May of 2016, I spoke on Class Action Trends at the CAOC seminar in
11 Palm Springs, California.

12 34. I lectured on the TCPA before the ABA Business Law Section, Consumer
13 Financial Services Committee in January 2016 at an event in Utah entitled,
14 "Impact of the FCC's 2015 Rulings on TCPA Litigation."

15 35. In 2016, I wrote an article entitled "Finding a Balance" that was published in
16 the Nutrition Business Journal, concerning a lawsuit filed under the
17 Racketeer Influenced and Corrupt Organization Act.

18 36. I was published in the Daily Journal in September of 2016, with the title,
19 "The FDCPA: The Forgotten Statute."

20 37. I am often called upon to give legal analysis on popular television and radio
21 shows such as Dr. Drew Midday Live and Fox 5.

22 38. In March of 2016, I moderated the Judges Panel on Class Action Trends and
23 Federal Litigation Trends at the NCLC Conference.

24 39. In September of 2017, I was published in Plaintiff magazine in an article
25 entitled, "Collateral damage: Beyond the personal injury: When creditors and
26 collection agencies stalk your client."

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1 40. I spoke on privacy rights on a panel before the California State Bar
2 Convention in 2016.

3 41. I spoke at the 22nd National Forum on Residential Mortgage Litigation &
4 Regulatory Enforcement conference on January 22, 2017.

5 42. I am a member in good standing of the following local and national
6 associations:

- 7 a. Consumer Attorneys Association of Los Angeles;
- 8 b. The Orange County Bar Association;
- 9 c. Twice served as former President of the Orange County Chapter of the
- 10 Iranian American Bar Association;
- 11 d. Member of the Orange County Trial Lawyers Association;
- 12 e. Member in good standing of National Association of Consumer
- 13 Advocates;
- 14 f. Board Member of Consumer Attorneys of California;
- 15 g. Member of the Federal Bar Association;
- 16 h. Member of the Leading Forum of the American Association of Justice;
- 17 i. Member of the American Bar Association;
- 18 j. Member of San Diego Consumer Attorneys; and,
- 19 k. Member of the Western Trial Lawyers Association.

20 43. In addition to my class action experience, I have experience in commercial
21 litigation and large-scale products liability litigation including a \$2.5 million
22 dollar settlement in *Mei Lu Hwei, et al v. American Honda Motor Co., Inc., et*
23 *al.* (Case No. BC401211 in Superior Court of California for County of Los
24 Angeles).

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44. I have regularly litigated cases in state and federal courts, and have reached numerous confidential seven-figure settlements against internationally known companies.

EXHIBITS

45. Attached as Exhibit 1 is a true and correct copy of the Attorney’s Fees Report for Kazerouni Law Group and Hyde & Swigart, detailing Maxin’s detailed billing records as well as costs incurred in litigating this matter.

46. I have reviewed the hours therein. Said hours accurately reflect the tasks that I completed for this matter and the time it took to complete said tasks.

I declare under the penalty and perjury under the laws of the United States of America as well as the State of California, that the foregoing is true and correct.

Date: November 10, 2017

BY: /s/ Abbas Kazerounian
 ABBAS KAZEROUNIAN, ESQ.