

KAZEROUNI LAW GROUP, APC
245 FISHER AVENUE, UNIT D1
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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 MATTHEW
M. LOKER 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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1 I, MATTHEW M . LOKER, declare as follows:

- 2 1. I am one of the attorneys for Plaintiff HEATHER MAXIN (“Maxin”) in this
- 3 action.
- 4 2. I am over the age of 18 and am fully competent to make this declaration.
- 5 3. I am a member in good standing of the bars of the State of California,
- 6 Washington, Texas.
- 7 4. I have litigated cases in both state and federal courts in Arizona, California,
- 8 Colorado, Florida, Minnesota, Missouri, Nevada, Ohio, South Carolina,
- 9 Tennessee and Utah as well as the Ninth Circuit Court of Appeals and
- 10 California Appellate Courts.
- 11 5. If called as a witness, I would competently testify to the matters herein from
- 12 personal knowledge. The declaration is based upon my personal knowledge,
- 13 except where expressly noted otherwise.
- 14 6. I submit this declaration in support of the Plaintiffs’ motion for fees and costs
- 15 and final approval of class action settlement.
- 16 7. This action, which was originally filed on October 21, 2016, was taken on a
- 17 contingency fee basis.
- 18 8. I have been preliminarily approved as Class Counsel in this matter.
- 19 9. I have incurred 24.8 hours in connection with this action, which time records
- 20 were carefully reviewed. Specifically, I have incurred hours reviewing
- 21 documents, analyzing data produced by Defendant, communicating with
- 22 opposing counsel, communicating with co-counsel on related matters,
- 23 preparing for hearings, preparing for and participating in depositions, motion
- 24 practice, and a significant amount of time participating in mediations as well
- 25 as extensive pre-litigation investigation.

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

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

7 **CLASS COUNSEL’S EXPERIENCE**

8 12. Since my admission to the State Bar of California in 2011, I have been
9 engaged exclusively in the area of consumer rights litigation, primarily in the
10 area of fair debt collections, the defense of debt collection lawsuits, class
11 action litigation under the Telephone Consumer Protection Act, California’s
12 invasion of privacy statutes pursuant to Penal Code § 630, *et seq.*, and false
13 advertising actions concerning consumer products.

14 13. The hourly rate that I am seeking in this action is \$495, which I believe is
15 reasonable.

16 **KAZEROUNI LAW GROUP, APC’S**
17 **CONSUMER RELATED EXPERIENCE AND RESULTS**

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

21 a. *Knell, et al. v. FIA Card Services, N.A.*, 13-CV-01653-AJB-WVG (S.D.
22 Cal.) (California class action settlement under Penal Code 632 et seq., for
23 claims of invasion of privacy. Settlement resulted in a common fund in
24 the amount of \$2,750,000; finally approved in August 15, 2014);

25 b. *Hoffman v. Bank of America Corporation*, 12-CV-00539-JAH-DHB (S.D.
26 Cal.) (California class action settlement under Penal Code 632 et seq., for
27 claims of invasion of privacy. Settlement resulted in a common fund in

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the amount of \$2,600,000; finally approved on November 6, 2014 and served as co-lead counsel);

c. *Couser v. Comenity Bank*, 12-cv-02484-MMA-BGS (S.D. Cal. Oc. 2, 2014) (Finally approved for \$8,475,000 on May 27, 2015 as served as co-lead counsel);

d. *Zaw v. Nelnet, Inc.*, C 13-5788 RS (N.D. Cal.) (California class action settlement under Penal Code 632 et seq., for claims of invasion of privacy. Settlement resulted in a common fund in the amount of \$1,188,110.00; finally approved on November 14, 2014);

e. *Couser v. Apria Healthcare, Inc. et al.*, 13-cv-00035-JVS-RNB (C.D. Cal. Oct. 27, 2014) (Finally approved on March 9, 2015 and served as co-lead counsel);

f. *Macias v. Water & Power Community Credit Union*, BC515936 (Los Angeles Superior Court) (Class certification granted under the Rosenthal Fair Debt Collection Practices Act; class action settlement finally approved on April 21, 2016);

g. *Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles) (finally approved for \$5,600,000);

h. *Caldera v. Am. Med. Collection Agency*, 2017 U.S. Dist. LEXIS 99239 (C.D. Cal. June 27, 2017) (Order certifying nationwide TCPA class action);

i. *Burkhammer v. Allied Interstate, LLC*, 2017 Cal. Super. LEXIS 109 (Sup. Ct. San Luis Obispo) (RFDCPA class action finally approved on October 30, 2017);

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1 j. *Maxin v. RHG & Company, Inc.*, 2017 U.S. Dist. LEXIS 27374 (S.D. Cal.
2 Feb. 27, 2017) (Supplement Misrepresentation class action preliminarily
3 approved on February 27, 2017);

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

7 l. *Moreno-Peralta v. TRS Recovery Services, Inc.*, 2017 Cal. Super. LEXIS
8 548 (Sup. Ct. San Luis Obispo Oct. 10, 2017) (RFDCPA class action
9 preliminarily approved); and,

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

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

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

20 16.I have undergone extensive training in the area of the consumer law, including
21 a four-day National Association of Consumer Advocates training in Tampa
22 Bay Florida; and, a three-day National Association of Consumer Advocates
23 conference in Baltimore, Maryland.

24 17.I also a member in good standing of the following local and national
25 associations:

- 26 a. National Association of Consumer Advocates;
- 27 b. Orange County Bar Association;

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1 28.I have also been interviewed on the radio on multiple occasions, including the
2 Wall Street Business Network on December 16, 2014; and, Real Estate Radio
3 on March 5, 2015.

4 29.I was invited by the American Bar Association to lead a webinar on “Hot
5 Topics with the Telephone Consumer Protection Act” on February 18, 2015.

6 30.I was invited by the State Bar of California to lead a presentation entitled
7 “Ethical Conundrums in Debt Collection.”

8 31.I have been a Guest Lecturer for the AP English class at Morro Bay High
9 School in 2015, 2016 and 2017.

10 32.I regularly speak at Home Buyer’s Workshops in San Luis Obispo County
11 along with agents from Century 21.

12 33.I was also interviewed in connection with KLAS-TV’s story regarding the
13 Kazerouni Law Group, APC’s class action against Manny Pacquiao; and,
14 Pacquiao’s Promoters entitled *McDonald, et al. v. Pacquiao, et al.*, 15-cv-
15 1006 JLS (BGS) (S.D. Cal.).

16 34.I was invited to and spoke at the 88th Annual California State Bar Association
17 Meeting. Said discussion was entitled “Debt Collection in the Age of
18 Technology and the CFPB.”

19 35.I was named as a Best Consumer Rights Lawyer for California in 2015 by
20 M&A Awards.

21 36.I was named as a Lawyer of Distinction for 2017.

22 37.I was nominated as a Rising Star for 2017 by Super Lawyers.

23 38.I am the co-Chair of programming for the Consumer Financial Services
24 Committee with the State Bar of California.

