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2 UNITED STATES DISTRICT COURT  
3 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

4 Lillian Franklin, *individually and on*  
5 *behalf of all others similarly situated,*

6 Plaintiff,

7 vs.

8 Wells Fargo Bank, N.A.,

9 Defendant.  
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CASE NO.: 14-cv-2349 MMA (BGS)

DECLARATION OF JAMES L.  
DAVIDSON

- 11
- 12 1. My name is James L. Davidson.
  - 13 2. I am a partner at Greenwald Davidson Radbil PLLC.
  - 14 3. This declaration is based upon my personal knowledge, except where  
15 expressly noted.  
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18 **Greenwald Davidson Radbil PLLC**

19 4. Greenwald Davidson Radbil PLLC (“GDR”) is a litigation boutique  
20 with offices in Boca Raton, FL, and Austin, TX.

21 5. GDR focuses on consumer protection and securities fraud class actions.

22 6. GDR attorneys have aided in the recovery of millions of dollars in  
23 damages for aggrieved consumers and shareholders.  
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25 7. Courts across the country have appointed GDR, and its attorneys, as  
26 class counsel, on behalf of hundreds of thousands of unnamed plaintiffs:  
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- 1 • *Jones v. I.Q. Data Int’l Inc.*, No. 1:14-CV-00130-PJK, 2015 WL  
2 2088969, at \*2 (D.N.M. Apr. 21, 2015) (appointing Greenwald  
3 Davidson Radbil PLLC as class counsel and preliminarily approving a  
4 class action settlement under the Telephone Consumer Protection Act  
5 (“TCPA”));
- 6 • *Rhodes v. Olson Associates, P.C.*, No. 14-CV-00919-CMA-MJW, 2015  
7 WL 1136176, at \*14 (D. Colo. Mar. 13, 2015) (appointing Greenwald  
8 Davidson Radbil PLLC as class counsel and certifying a class under the  
9 Fair Debt Collection Practices Act (“FDCPA”));
- 10 • *Gonzalez v. Dynamic Recovery Solutions, LLC*, No. 14-CIV-20933,  
11 2015 WL 738329, at \*2 (S.D. Fla. Feb. 23, 2015) (appointing  
12 Greenwald Davidson Radbil PLLC as class counsel and finally  
13 approving a class settlement under the FDCPA);
- 14 • *Roundtree v. Bush Ross, P.A.*, 304 F.R.D. 644 (M.D. Fla. 2015)  
15 (appointing Greenwald Davidson Radbil PLLC as class counsel and  
16 certifying three classes under the FDCPA), *reconsideration denied sub*  
17 *nom. Roundtree v. Bush Ross, P.A.*, No. 8:14-CV-357-T-27AEP, 2015  
18 WL 1931103 (M.D. Fla. Apr. 28, 2015);
- 19 • *Esposito v. Deatricks & Spies, P.S.C.*, No. 7:13-CV-1416 GLS/TWD,  
20 2015 WL 390392, at \*2 (N.D.N.Y. Jan. 28, 2015) (appointing  
21 Greenwald Davidson PLLC as class counsel and finally approving a  
22 class action settlement under the Electronic Fund Transfer Act  
23 (“EFTA”));
- 24 • *Donnelly v. EquityExperts.org, LLC*, No. 4:13-CV-10017-TGB, 2015  
25 WL 249522, at \*2 (E.D. Mich. Jan. 14, 2015) (appointing Greenwald  
26 Davidson PLLC as class counsel and finally approving a class action  
27 settlement under the FDCPA);
- 28 • *Green v. Dressman Benzinger Lavelle, PSC*, No. 1:14-CV-00142-SJD,  
2015 WL 223764, at \*2 (S.D. Ohio Jan. 16, 2015) (appointing  
Greenwald Davidson PLLC as class counsel and finally approving a  
class action settlement under the FDCPA);

- 1 • *Ritchie v. Van Ru Credit Corp.*, No. 2:12-CV-01714-PHX-SMM, 2014 WL 3955268, at \*1 (D. Ariz. Aug. 13, 2014) (appointing  
2 Greenwald Davidson PLLC as class counsel and finally approving a  
3 class action settlement under the TCPA);
- 4 • *Hunter v. Nicholas Financial Corp.*, No. 0:13-cv-61126-DMM, Doc.  
5 32 (S.D. Fla. Apr. 28, 2014) (appointing Greenwald Davidson PLLC as  
6 class counsel and finally approving a class action settlement under the  
7 EFTA);
- 8 • *White, et al. v. Scott E. Alexander*, No. 3:12-cv-06050-RBL (W.D.  
9 Wash. Feb. 28, 2014) (appointing Aaron D. Radbil of Greenwald  
10 Davidson PLLC as class counsel and finally approving a class action  
11 settlement under the FDCPA);
- 12 • *Dancer v. Los Angeles Time Communications, LLC*, No. BC472154  
13 (Sup. Ct. Cal. Jan. 7, 2014) (appointing Aaron D. Radbil as class  
14 counsel and finally approving a class action settlement under the  
15 TCPA);
- 16 • *Sharf v. Fin. Asset Resolution, LLC*, 295 F.R.D. 664, 670 (S.D. Fla.  
17 2014) (appointing Greenwald Davidson PLLC as class counsel);
- 18 • *Rodriguez, et al. v. Hayt & Landau, P.L.*, No. 12-cv-23848-JJO, Doc.  
19 43 (S.D. Fla. Sept. 18, 2013) (appointing Aaron D. Radbil as class  
20 counsel and finally approving a class action settlement under the  
21 FDCPA);
- 22 • *Garo v. Global Credit & Collection Corp.*, No. CV-09-2506-PHX-  
23 GMS, 2010 WL 251450, at \*7 (D. Ariz. Jan. 26, 2011) (appointing  
24 Aaron D. Radbil as class counsel and certifying a class under the  
25 FDCPA).

**Michael L. Greenwald**

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2 8. Mr. Greenwald is one of GDR’s founding partners.

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4 9. Mr. Greenwald graduated from the University of Virginia in 2001 and  
5 Duke University School of Law in 2004.

6  
7 10. Prior to forming Greenwald Davidson Radbil PLLC, Mr. Greenwald  
8 spent six years as a litigator at Robbins Geller Rudman & Dowd LLP (“RDRD”)—  
9 the nation’s largest plaintiff’s class action firm.

10  
11 11. Mr. Greenwald focused his practice at RGRD on complex class actions,  
12 including securities, corporate governance, and consumer fraud litigation.

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14 12. While at RGRD, Mr. Greenwald served as counsel in the successful  
15 prosecution of numerous class actions, including: *In re Red Hat, Inc. Securities*  
16 *Litigation* (E.D.N.C.) (\$20 million), *Norfolk County Retirement System, et. al. v.*  
17 *Ustian* (N.D. Ill.) (\$13 million), *Romero v. U.S. Unwired, Inc.* (E.D. La.) (\$9.7  
18 million), *Lefkoe v. Jos. A. Bank Clothiers, Inc.* (D. Md.) (\$4 million), *In Re:*  
19 *NationsRent Rental Fee Litigation* (S.D. Fla.), and *In re Odimo, Inc. Securities*  
20 *Litigation* (\$1.25 million).  
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22  
23 13. Mr. Greenwald began his career as a litigation associate at Holland &  
24 Knight LLP.  
25

26  
27 14. While at Holland & Knight LLP, Mr. Greenwald represented clients in  
28 a wide range of commercial litigation matters, including the defense of publicly

1 traded companies in products liability, breach of contract, foreclosure, and  
2 employment discrimination cases.

3  
4 **James L. Davidson**

5 15. I am one of GDR's founding partners. I graduated from the University  
6 of Florida in 2000 and the University of Florida Fredric G. Levin School of Law in  
7  
8 2003.

9 16. Prior to forming Greenwald Davidson Radbil PLLC, I spent six years  
10 as a litigator at RGRD.

11  
12 17. While at RGRD, I was a member of the litigation team that served as  
13 lead counsel in, and was responsible for, the successful prosecution of numerous  
14 securities and consumer class actions, including: *Local 731 I.B. of T. Excavators and*  
15 *Pavers Pension Trust Fund et al. v. Swanson et al.* (\$25 million settlement); *In re*  
16 *Pet Food Products Liability Litigation* (\$24 million settlement); *In re Mannatech,*  
17 *Inc. Securities Litigation* (\$11.5 million settlement); *In re Webloyalty, Inc. Mktg.*  
18 *and Sales Practices Litigation* (\$10 million settlement); and *In re Navisite Migration*  
19 *Litigation* (\$2 million settlement). I was also a member of the litigation team that  
20 served as lead counsel, and was responsible for, the successful prosecution of  
21 numerous class actions on behalf of shareholders damaged by mergers and  
22 acquisitions, including: *Charter Township of Clinton Police and Fire Retirement*  
23 *System, et al. v. OSI Restaurant Partners, Inc., et al.* (\$30 million additional  
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1 consideration for shareholders, additional disclosures, termination fee  
2 reduction); *Wayne County Employees' Retirement System v. Radiation Therapy*  
3 *Services, et al.* (additional disclosures); *In re Florida East Coast Industries, Inc.*  
4 *Shareholder Litigation* (additional disclosures); *International Brotherhood of*  
5 *Electrical Workers Local 98, et al. v. Innkeepers USA Trust, et al.* (additional  
6 disclosures).  
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10 **Aaron D. Radbil**

11 18. Mr. Radbil is one of GDR's founding partners.

12 19. Mr. Radbil graduated from the University of Arizona in 2002, and from  
13 the University of Miami School of Law in 2006.

14 20. Prior to forming Greenwald Davidson Radbil PLLC, Mr. Radbil  
15 managed a consumer finance litigation department for a nationwide law firm.  
16

17 21. He was responsible for individual and class action cases filed under  
18 federal and state consumer protection statutes, including, but not limited to, the Fair  
19 Credit Reporting Act, the Fair Debt Collection Practices Act, the Truth in Lending  
20 Act, the Electronic Fund Transfer Act, the Telephone Consumer Protection Act, and  
21 state unfair and deceptive trade practice acts.  
22

23 22. Throughout his career, Mr. Radbil has successfully tried cases to  
24 verdict in state and federal courts across the country.  
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1           23. He has also briefed and argued issues of significant consumer interest  
2 before state and federal courts of appeals spanning the nation.

3           24. His notable appellate decisions include:

- 4           • *Lea v. Buy Direct, L.L.C.*, 755 F.3d 250 (5th Cir. 2014);
- 5           • *Payne v. Progressive Fin. Servs., Inc.*, 748 F.3d. 605 (5th Cir. 2014);
- 6           • *Stout v. FreeScore, LLC*, 743 F.3d 680 (9th Cir. Feb. 21, 2014);
- 7           • *Yunker v. Allianceone Receivables Mgmt., Inc.*, 701 F.3d 369 (11th Cir.  
8           2012);
- 9           • *Guajardo v. GC Services, LP*, No. 11-20269, 2012 WL 5419505 (5th  
10           Cir. Nov. 7, 2012);
- 11           • *Sorensen v. Credit Int'l Corp.*, 475 F. App'x 244 (9th Cir. 2012);
- 12           • *Ponce v. BCA Fin. Serv., Inc.*, 467 F. App'x 806, 809 (11th Cir. 2012);
- 13           • *Mady v. DaimlerChrysler Corp.*, 59 So. 3d 1129 (Fla. 2011);
- 14           • *Talley v. U.S. Dep't. of Agric.*, 595 F. 3d 754 (7th Cir. 2010), *reh'g en*  
15           *banc granted, opinion vacated* (June 10, 2010), *on rehearing en banc*  
16           *(September 24, 2010), decision affirmed*, No. 09-2123, 2010 WL  
17           5887796 (7th Cir. Oct. 1, 2010);
- 18           • *Oppenheim v. I.C. Sys., Inc.*, 627 F. 3d 833 (11th Cir. 2010);
- 19           • *Cano v. Hyundai Motor Am., Inc.*, 8 So. 3d 408 (Fla. 4th DCA 2009);
- 20           • *Jones v. Nissan N. Am., Inc.*, 385 Ill. App. 3d 740 (2d Dist. 2008).
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***Shehan v. Wells Fargo Bank, N.A., Case No. 1:14-cv-00900-JHE***

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2       25. In *Shehan v. Wells Fargo Bank, N.A.*, filed on May 14, 2014 in the  
3 Northern District of Alabama, GDR sought certification of a nationwide class of  
4 consumers called, without consent, on their cellular telephones by Wells Fargo's  
5 credit card line.  
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8       26. In response, and as it did successfully in *Heinrichs v. Wells Fargo Bank,*  
9 *N.A.*, Wells Fargo filed a motion to stay the *Shehan* matter under the primary  
10 jurisdiction doctrine.  
11

12       27. After extensive briefing, the court in *Shehan* denied Wells Fargo's  
13 motion to stay. *See Shehan v. Wells Fargo Bank, N.A.*, --- F. Supp. 3d ----, 2014 WL  
14 5529365 (N.D. Ala. Nov. 3, 2014).  
15

16       28. The Court's denial of Wells Fargo's motion to stay, unlike in  
17 *Heinrichs*, forced Wells Fargo to face the TCPA claims against it, rather than waiting  
18 for potential rulings from the FCC.  
19

20       29. GDR attorneys spent 151.60 hours litigating the *Shehan* matter,  
21 reasonably and necessarily incurring \$60,640.00 in attorneys' fees.  
22

23       30. This is evidenced by GDR's electronically stored time records entered  
24 contemporaneously with the respective task to which they relate, each of which  
25 accurately reflects work performed.  
26

27       31. Mr. Greenwald spent 131.20 hours litigating the *Shehan* matter.  
28



1 32. I spent 6.8 hours litigating the *Shehan* matter.

2 33. Mr. Radbil spent 13.6 hours litigating the *Shehan* matter.

3 34. The *Shehan* matter has since been resolved.

4  
5 35. Mr. Greenwald, Mr. Radbil, and I each billed for the time we spent on  
6 the *Shehan* matter at a rate of \$400 per hour—a rate specifically approved earlier  
7 this year by the United States District Court for the Southern District of Florida. *See*  
8 *Gonzalez v. Dynamic Recovery Solutions, LLC*, No. 14-CIV-20933, 2015 WL  
9 738329, at \*4 (S.D. Fla. Feb. 23, 2015).

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12 ***Masters v. Wells Fargo Bank, N.A.*, Case No. 1:12-cv-00376-S**

13 36. In *Masters v. Wells Fargo Bank, N.A.*, filed in 2012 in the Western  
14 District of Texas, GDR took extensive discovery, including several depositions,  
15 regarding the methodology by which Wells Fargo's overdraft protection line makes  
16 calls, and leaves prerecorded voice messages, for consumers.

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19 37. The discovery taken in *Masters* greatly assisted in the understanding of  
20 Wells Fargo's calling systems and how Wells Fargo purports to obtain prior express  
21 consent before dialing cellular telephones.

22  
23 38. GDR attorneys spent 220.45 hours litigating the *Masters* matter,  
24 reasonably and necessarily incurring \$88,180.00 in attorneys' fees.  
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1           39. This is evidenced by GDR’s electronically stored time records entered  
2 contemporaneously with the respective task to which they relate, each of which  
3 accurately reflects work performed.  
4

5           40. Mr. Greenwald spent 165.30 hours litigating the *Masters* matter.

6           41. I spent 55.15 hours litigating the *Masters* matter.  
7

8           42. Mr. Greenwald and I each billed the time we spent on the *Masters*  
9 matter at a rate of \$400 per hour.  
10

11           43. As well, Weisberg & Meyers, LLC (“W&M”) attorneys—a firm at  
12 which Mr. Radbil previously worked—has represented that it spent no less than  
13 220.45 hours litigating the *Masters* matter, reasonably and necessarily incurring  
14 \$55,507.50 in attorneys’ fees.  
15

16           44. This is evidenced by time sheets that W&M forwarded to GDR upon  
17 request.  
18

19           45. Mr. Radbil spent 111.8 hours litigating the *Masters* matter.  
20

21           46. Joseph Panvini, a W&M associate attorney, spent 17.7 hours litigating  
22 the *Masters* matter.  
23

24           47. David McDevitt, a W&M law clerk and subsequent associate attorney,  
25 spent 31.3 hours litigating the *Masters* matter.  
26

27           48. Mr. Radbil billed the time he spent on the *Masters* matter at a rate of  
28 \$400 per hour.

