

KAZEROUNI LAW GROUP, APC
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Attorneys for Plaintiff,
Lillian Franklin

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

**LILLIAN FRANKLIN,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No.: 14-cv-2349 MMA (BGS)

**DECLARATION OF NICHOLAS
BONTRAGER IN SUPPORT OF
PLAINTIFFS' HOURLY RATES**

DATE: July 20, 2015
TIME: 2:30 p.m.
COURTROOM: 3A

HON. MICHAEL M. ANELLO

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1 I, Nicholas Bontrager, declare under penalty of perjury pursuant to the laws of the
2 State of California, and the United States of America, that the following
3 statements are true:

- 4 1. I regularly practice before the Southern District of California and am familiar
5 with the hourly rates charged by attorneys who practice in California District
6 Courts, including this Court.
- 7 2. I am one of the founding partners of Martin & Bontrager, APC, a full-service
8 boutique consumer protection law firm which provides a broad spectrum of
9 legal services to its clients, including (but not limited to) the Fair Debt
10 Collection Practices Act (FDCPA), the Telephone Consumer Protection Act
11 (TCPA), the Fair Credit Reporting Act (FCRA), the California Invasion of
12 Privacy Act (CIPA), the Electronic Funds Transfer Act (EFTA), the Truth in
13 Lending Act (TILA) and the United States Bankruptcy Code.
- 14 3. Prior to my employment at Martin & Bontrager A.P.C., I spent
15 approximately six (6) years acting as the Department Head of two leading
16 consumer law litigation firms where I co-managed each firm's nationwide
17 FDCPA practice.
- 18 4. In February of 2013, I was a guest speaker at the California Association of
19 Collectors (CAC), District 5, Annual Meeting where I conducted a
20 presentation and question and answer session regarding consumer rights and
21 litigation pertaining to various consumer protection statutes including: Fair
22 Debt Collection Practices Act, Rosenthal Fair Debt Collection Practices Act,
23 Telephone Consumer Protection Act, and California Invasion of Privacy Act.
- 24 5. Since 2008, I have dedicated my practice exclusively to areas of consumer
25 protection with a concentration in representing consumers pursuant to the
26 Fair Debt Collection Practices Act (FDCPA), Rosenthal Fair Debt Collection
27 Practices Act (RFDCPA), Fair Credit Reporting Act (FCRA), Telephone
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1 Consumer Protection Act (TCPA), and the California Invasion of Privacy
2 Act (CIPA).

3 6. I have acted as lead counsel in over 3,000 RFDCPA/FDCPA actions filed in
4 California, Colorado, Florida and Illinois or that have been successfully
5 settled prior to litigation. I have acted as associate/assisting/consulting
6 counsel in thousands of other FDCPA actions filed or successfully settled
7 prior to litigation throughout the country.

8 7. I have personally tried several RFDCPA/FDCPA actions to jury verdict or
9 Judgment in the State of California.

10 8. In 2009, WebRecon, LLC reported that I was the second ‘most active’
11 FDCPA attorney in the United States for that calendar year, representing well
12 over 300 consumers in federal courts alone.

13 9. I have acted as lead or co-lead counsel in approximately fifteen (15)
14 consumer law actions which have resulted in Federal or Westlaw published
15 opinions and orders.

16 10. I have been asked by the Plaintiff’s attorneys in the above-captioned matter
17 to review the attorneys’ time incurred in this case, and I find that the time
18 spent and work performed by the attorneys, law clerks, paralegals, and legal
19 assistants is reasonable and necessary given the complexity of the issues
20 presented and the experience necessary to successfully prosecute a claim
21 under the Telephone Consumer Protection Act.

22 11. I have reviewed the biographical information pertaining to Plaintiff’s
23 attorneys who performed work in this case.

24 12. The hourly rate in California State Courts for an attorney with Joshua B.
25 Swigart's experience and expertise in consumer litigation would be in the
26 range of \$595.00 per hour for this type of litigation. Therefore, \$595.00 per
27 hour would be a reasonable and appropriate hourly rate for Mr. Swigart.

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1 13. The hourly rate in California State Courts for an attorney with Abbas
2 Kazerounian's experience and expertise in consumer litigation would be in
3 the range of \$560.00 per hour for this type of litigation. Therefore, \$560.00
4 per hour would be a reasonable and appropriate hourly rate for Mr.
5 Kazerounian.

6 14. Based upon my many years of experience practicing consumer law and based
7 upon my research and experience with the current rates for consumer
8 litigators in the District of Colorado, the hourly rates charged by Plaintiff's
9 attorneys are reasonable, and in fact lower than the rates charged by many
10 attorneys with similar experience in consumer cases.

11 15. I have known Mr. Swigart; and, Mr. Kazerounian for several years, and I am
12 familiar with their legal work, as we have similar consumer law practices and
13 both practice in California Federal Courts.

14
15 I declare under penalty of perjury of the laws of California and the United
16 States that the foregoing is true and correct

17
18 Date: May 18, 2015

BY: /s/ NICHOLAS BONTRAGER
NICHOLAS BONTRAGER, ESQ.