

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

KAZEROUNI LAW GROUP, APC
Abbas Kazerounian, Esq. (249203)
ak@kazlg.com
Matthew M. Loker, Esq. (279939)
ml@kazlg.com
245 Fischer Avenue, Unit D1
Costa Mesa, CA 92626
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

LAW OFFICES OF DOUGLAS J. CAMPION, APC
Douglas J. Campion, Esq. (75381)
doug@djcampion.com
17150 Via Del Campo, Suite 100
San Diego, CA 92127
Telephone: (619) 299-2001
Facsimile: (619) 858-0034

HYDE & SWIGART
Joshua B. Swigart, Esq. (225557)
josh@westcoastlitigation.com
2221 Camino del Rio South, Suite 101
San Diego, CA 92108
Telephone (619) 233-7770
Facsimile: (619) 297-1022

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 DOUGLAS J. CAMPION IN SUPPORT OF MOTION FOR AWARD OF ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARD FOR PLAINTIFF

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

HON. MICHAEL M. ANELLO

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///

DECLARATION OF DOUGLAS J. CAMPION, ESQ.

I, DOUGLAS J. CAMPION, declare:

1. I am one of the attorneys for the Plaintiff LILLIAN FRANKLIN (“Plaintiff”) in this action. I submit this declaration in support of Plaintiff’s Motion for Attorneys’ Fees and Costs against Defendant WELLS FARGO BANK, N.A. (“Defendant”). I am licensed to practice law before this court and all federal courts located in the State of California as well as all California state courts. I submit this declaration in support of the Motion for Attorney’s Fees and Costs to be heard concurrently with the Final Approval Motion. If called as a witness, I would competently testify to the matters herein from personal knowledge.
2. The declaration is based upon my personal knowledge, except where expressly noted otherwise.
3. I am the owner of the Law Offices of Douglas J. Campion, APC, a member in good standing of the bar of the State of California. I was one of the firms appointed Class Counsel by the Court in granting Preliminary Approval of this Settlement. [See ECF 11 at 3].

Class Counsel’s Experience

4. The Law Offices of Douglas J. Campion, APC has been confirmed as one of several firms acting as Class Counsel for purposes of this action and proceeding with the settlement. I am the only principal and only attorney in my law firm. I was admitted to the State Bar of California in 1977 and have been a member in good standing since that time. Since my admission, I have been engaged in litigation and I have had extensive experience in business litigation prior to working in the class action field. In 1989, I joined the San Diego office of a Philadelphia law firm, Barrack, Rodos & Bacine. Our office engaged in class and derivative litigation exclusively, primarily

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1 specializing in plaintiff's class action securities cases. I resigned from the
2 firm in 1996. Barrack, Rodos & Bacine was often co-counsel with Milberg
3 Weiss Bershad Hynes & Lerach in class actions and litigated the same types
4 of cases.

5 5. I feel my experience both in other firms and with my own firm for the past
6 fourteen years supports my request for attorney's fees. A few examples of
7 the cases my prior firm litigated, separately or with co-counsel, and in which
8 I actively participated, are as follows:

- 9 a. The Michael Milken - Drexel securities litigation, with a joint
10 recovery for all plaintiffs of more than a billion dollars;
- 11 b. The savings and loan securities and derivative litigation of the early
12 1990's, in which I represented or litigated against California Federal,
13 Far West Financial, Financial Corporation of Santa Barbara, Imperial
14 Savings, and others;
- 15 c. Defense contractor over-billing cases, including Lockheed, General
16 Dynamics, and Rockwell International;
- 17 d. A number of health care provider cases including National Health
18 Laboratories;
- 19 e. National Medical Enterprises, ICN Pharmaceuticals, and Pfizer;
- 20 f. Cases against insurance companies including Blue Cross of
21 California, and First Executive Life and its progeny; and
- 22 g. Many other class and derivative actions including L.A. Gear,
23 Countrywide Trucking, and Glen Ivy timeshares, among others.

24 6. I have also been lead or co-lead counsel in many other class actions or
25 Business & Professions Code representative actions since I opened my own
26 office over fourteen years ago. Most of those are consumer-related cases.
27 Some other class or 17200 representative actions in which I was lead or co-
28 lead counsel since I opened my own office in 2001 are the following:

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- 1 a. *Gonzalez, et al., v. Science Applications International Corporation,*
- 2 *et al.* (state court);
- 3 b. *Warner, et al. v. Computer Education Institute, et al.* (state court),
- 4 c. *Smith v. Microskills* (state court);
- 5 d. *Russell, et al., v. DAT, Inc. dba Laptop Training Solutions* (state
- 6 court);
- 7 e. *Jared Smith v. Independent Capital Management, Inc., et al.* (state
- 8 court);
- 9 f. *Orttman and Opyrchal, et al., v. New York Life* (federal court);
- 10 g. *Bowersox v. Laboratory Corporation of America* (state court);
- 11 h. *O'Neal v. NCO Financial Systems, Inc.* (federal court);
- 12 i. *McDonald v. Bonded Collectors, Inc.* (federal court);
- 13 i. *In Re Brocade Derivative Litigation* (state court);
- 14 j. *Kryptonite Locks Coordinated Litigation* (state court);
- 15 i. *Shaw v. Tenet Healthcare Corporation, et al.* (federal court);
- 16 k. *Rodriquez v. Yum Yum Donut Shops, Inc.* (state court);
- 17 l. *Arnn, et al., v. West Coast Aquarium Industries, Inc.* (state court);
- 18 m. *Grant v. American Agencies, Inc.* (federal court);
- 19 n. *Rogers v. Whitney Education Group* (state court);
- 20 o. *Khosorabi v. Nmih Shore Agency, Inc.* (federal court);
- 21 p. *Goins v. Checks Cashed for Less, Inc., et al.* (state court);
- 22 q. *Fanciullo v. CompuCredit dba Aspire VISA* (federal court);
- 23 r. *Kight v. Eskanos & Adler, P.C.* (federal court);
- 24 s. *Gulzynski v. Fidelity Title* (federal court);
- 25 t. *Kight v. CashCall* (state court);
- 26 u. *Grannan v. Direct Electronics, Inc.* (state court);
- 27 v. *Bellows v. NCO Financial, Inc.* (federal court);
- 28 w. *Adams v. AllianceOne, Inc.* (federal court);

- 1 x. *American Apparel, Inc. Derivative Litigation* (federal court);
- 2 y. *Arthur v. Sallie Mae* (federal court);
- 3 z. *Meeks v. CreditWest, et. al.* (state court);
- 4 aa. *Shirdel v. Access Group, Inc* (federal court);
- 5 bb. *Malta v. Wells Fargo* (federal court);
- 6 cc. *Robinson v. Midland Funding, LLC* (federal court);
- 7 dd. *Bennett v. Discover Bank* (federal court);
- 8 ee. *Dominici v. Wells Fargo* (federal court);
- 9 ff. *Hurtado v. Progressive Financial Services* (federal court);
- 10 gg. *Galbraith v. Resurgent* (federal court);
- 11 hh. *Rose v. Bank of America* (federal court);
- 12 ii. *Underwood v. San Diego Flight Training, Inc.* (state court);
- 13 jj. *In Re Jiffy Lube Multi-District Litigation* (federal court).
- 14 kk. *Sojka, et. al. v. Direct Buy, Inc.*
- 15 ll. *Johnson v. Bennett Law*
- 16 mm. *Hoffman v. Bank of America*
- 17 nn. *Becerra v. National Recovery Solutions, LLC*
- 18 oo. *Dailey v. John D. Bonewicz, PC*
- 19 pp. *Burge v. Pinnacle Financial Group, Inc.*
- 20 qq. *Blair v. CBE Group*

21 7. I have also had several state court appellate court opinions published in
 22 which our side prevailed and for which I was counsel of record and
 23 responsible for the appellate work. Those include *CashCall, Inc. v.*
 24 *Superior Court* (“*CashCall I*”) (2008) 159 Cal. App. 4th 273; *Smith v.*
 25 *Microskills San Diego L.P.* (2007) 153 Cal. App. 4th 892; and *Kight v.*
 26 *CashCall* (2011) 200 Cal. App. 4th 1377 (“*CashCall II*”). The *CashCall I*
 27 case expanded the rights of putative class members to obtain pre-
 28 certification class member discovery to substitute a new class representative,

1 even when the named plaintiffs had no standing to initially bring the action.
 2 In the *Microskills* case, the Court of Appeal limited the ability of the
 3 defendant vocational school, a third party to an arbitration agreement
 4 between the plaintiff student and the student loan lender, to compel a
 5 plaintiff to arbitrate their case against the school. The *CashCall II* case
 6 reversed summary adjudication and set forth new law in the field of privacy
 7 rights, including eavesdropping.

8 **EXPERIENCE RELEVANT TO THE TELEPHONE CONSUMER PROTECTION ACT**

9 8. I have filed and litigated many other class actions based on the Telephone
 10 Consumer Protection Act in the past seven years. I have been lead counsel,
 11 liaison counsel or class counsel in the TCPA cases obtaining the largest
 12 monetary and non-monetary settlements to date.

13 9. The following is a partial list of the TCPA class actions which I am or have
 14 been personally involved in:

15 a. *In Re Jiffy Lube Int'l, Inc. Text Spam Litigation*, MDL Case No.
 16 2261, Master Case No. 3:11-MD-02261 – JM- JMA (liaison counsel)
 17 (largest combined monetary and certificate for services case to date,
 18 approx. \$45,000,000 value);

19 b. *Rose v. Bank of America Corporation, et al.*, 11-CV-02390-EJD
 20 (N.D. Cal 2014)(Nationwide TCPA class settlement providing class
 21 relief to over 6.9 million class members, which created a common
 22 fund in the amount in excess of \$32 million dollars);

23 c. *Bellows v. NCO Financial Systems, Inc.*, 07-CV-01413 W(AJB)
 24 (S.D. Cal) (One of the first class action settlements under the TCPA
 25 in the nation; served as co-lead counsel; final approval granted in
 26 2009);

27 d. *Adams v. AllianceOne, Inc.*, 08-CV-0248 JAH (S.D. Cal)
 28 (Nationwide TCPA class settlement providing class relief of \$40 per

1 claiming class member resulting in over \$2,500,000 paid to claiming
2 class members; final approval granted in 2013);

3 e. *Lemieux v. Global Credit & Collection Corp.*, 08-CV-1012
4 IEG(POR) (S.D. Cal.)(Co-lead counsel on a national TCPA class
5 settlement providing class recovery in the amount of \$70 for each
6 claiming class member; final approval granted in 2011);

7 f. *Malta, et al. v. Wells Fargo Home Mortgage, et al.*, 10-CV-1290
8 IEG(BLM)(Served as co-lead counsel for a settlement class of
9 borrowers in connection with residential or automotive loans and
10 violations of the TCPA in attempts to collect on those accounts;
11 obtained a common settlement fund in the amount of \$17,100,000
12 which was the second largest TCPA settlement at the time, second
13 only to the *Sallie Mae* settlement; final approval granted in 2013);

14 g. *Connor v. JPMorgan Chase Bank, et al.*, 10-CV-1284 GPC (BGS)
15 (S.D. Cal.)(Currently serving as co-lead counsel for the settlement
16 class of borrowers in connection with residential loans and TCPA
17 violations stemming from the collection of those accounts); has
18 turned into a bifurcated proceeding with a settlement of more than
19 \$12,000,000, final approval pending);

20 h. *In Re: Midland Credit Management, Inc., Telephone Consumer*
21 *Protection Act Litigation*, 11-md-2286 MMA(MDD) (S.D. Cal.) (Co-
22 lead counsel) (Counsel for a Plaintiff in the lead action, prior to the
23 action being recategorized through the multi-district litigation
24 process; the case is still actively proceeding in the MDL litigation
25 and settlement/mediation process);

26 i. *In Re: Portfolio Recovery Associates, LLC Telephone Consumer*
27 *Protection Act Litigation*, 11-md-02295-JAH(BGS) (Counsel for a
28 Plaintiff in the lead action, appointed liaison counsel in the multi-

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district litigation process; case still proceeding in the MDL litigation and settlement process);

j. *Arthur v. SLM Corporation*, 10-CV-00198 JLR (W.D. Wash.) (Nationwide settlement achieving the then-largest monetary settlement in the history of the TCPA: \$24,115,000; final approval granted in 2012);

k. *Lo v. Oxnard European Motors, LLC, et al.*, 11-CV-1009-JLS-MDD (S.D. Cal.) (Achieving one of the highest class member payouts in a TCPA action of \$1,331.25; final approval granted in 2012);

l. *Sarabri v. Weltman, Weinberg & Reis Co., L.P.A.*, 10-01777-AJB-NLS (S.D. Cal.) (Approved as co-lead counsel and worked to obtain a national TCPA class settlement where claiming class members each received payment in the amount of \$70.00; final approval granted in 2013);

m. *Robbins, et al. v. Coca Cola Co.*, Case No. 13-cv-00132 – IEG –NLS (S.D. Cal.) (Decision often cited on pleading standards on motions to dismiss in TCPA actions);

n. *Maier v. JC Penney*, Case No. 13cv0163 IEG (DHB) (S.D. Cal.) (Favorable ruling obtained on requirements for pleading the use of an automatic telephone dialing system; also obtained a separate ruling rejecting the application of Rule 68 offers in the Ninth Circuit).

o. *Wilkins v. HSBC Bank Nevada, N.A.*, Case No. 1:14-cv-190 (N. D. Ill.) recently obtained final approval of \$39,975,000 settlement.

10. The cases listed above which have settled have resulted in the creation of combined common funds to class members in the tens of millions of dollars. I am proud of my record in the above cases that resulted in substantial settlements for consumers.

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The Law Offices of Douglas J. Campion, APC's Lodestar

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11.My firm has maintained contemporaneous time records since the commencement of this action. I have worked a total of 110.6 hours in this action, with a total lodestar of \$86,700.00 at my billing rate of \$750 per hour. I am the only attorney at my firm and the only attorney billing his time for the fees sought in this case.

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12.My firm's lodestar will grow slightly as we continue to finalize the settlement process and close the litigation. I have not included in the above lodestar future work that is required to finalize this process. Said future work includes a substantial amount of attorney time from now until the end of the case and the last disbursement check is cashed. That work includes but is not limited to preparing the memorandum of points and authorities and supporting documents for the final approval hearing and working with the Claims Administrator to determine the final numbers of valid claims, opt outs and objections. We also expect, as with most class action settlements, objectors including professional objectors, and we anticipate having to spend time responding to any objections they might file. In addition, the claims period will last for a short time after submission of this Motion for Attorneys' Fees and Costs, and we will monitor those claims and continue to assist claimants with their questions. My firm will oversee the claims resolution process, and Class Counsel will help resolve Class member challenges to the result of their claims submissions. Judging by previous experiences, these responsibilities will require a substantial amount of hours of work by Class Counsel over the coming months.

The Law Offices of Douglas J. Campion, APC's Costs

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13.My firm maintains all books and records regarding costs expended on each case in the ordinary course of business, which books and records evidence which checks have issued on each case and/or which accounts payable are

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1 associated with each matter. I have reviewed the records of costs expended
2 in this matter.

3 14. Even though Class Counsel has agreed to not seek reimbursement of the
4 costs incurred as a separate item payable from the Settlement Fund, and to
5 include them in the request for attorneys' fees, I am advising the Court my
6 firm incurred the following costs: 1) Filing fee: \$400.00; 2) Mediation fee
7 paid to JAMS: \$1,537.33 for my share of the mediation fee.

8 15. The third-party Claims Administrator ILYM Group, Inc. has incurred costs
9 for notice and claims administration for which they will be seeking
10 reimbursement from the Settlement Fund. They provided an estimate of
11 those costs at Preliminary Approval and are submitting a declaration
12 herewith for the time incurred to date, to be followed by a supplemental
13 declaration filed prior to the Final Approval hearing with an estimate of their
14 final costs, once all claims are filed and the number of approved claims is
15 known.

16 **Reasonableness of Hourly Rates**

17 16. My firm's hourly rates are reasonable in respect to the ranges charged by
18 comparable law firms in the State of California.¹

19 _____
20 ¹ See National Law Journal article dated December 10, 2007, detailing partners'
21 hourly rates at many law firms across the country. Note that in the 2007 time
22 period reflected in that article that partners at the California law firms billed out in
23 excess of \$450 per hour. Luce, Forward, Hamilton & Scripps in San Diego at that
24 time billed out its partners at a median hourly rate of \$475, with a low of \$325 and
25 a high of \$725. Loeb & Loeb in Los Angeles billed its partners at a median of
26 \$600, with a low of \$425 and a high of \$875. Manatt, Phelps & Phillips in Los
27 Angeles billed its partners at a median rate of \$590 per hour, with a low of \$520
28 and a high of \$785. Fenwick & West of the Silicon Valley in Mountain View,
California billed its partners at a median rate of \$600 per hour, with a low of \$500
and a high of \$775 per hour. Our three firms' hourly rates are well within the
ranges reflected therein, and those rates in the article are from 2007, and likely
have increased substantially since then.

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1 17. My hourly rate is \$750. I believe that hourly rate is a much lower rate than
2 charged by other attorneys of comparable experience and skill. That
3 amount is a reasonable hourly rate. Another local class action litigator has
4 filed a declaration in support of this fee request, specifically as to the
5 reasonableness of the hourly rate I charge. He believes that hourly rate is
6 reasonable, and even lower than that charged by attorneys with similar
7 experience. See Declaration of Frank A. Johnson in Support of Motion for
8 Attorneys' Fees and Costs filed herewith. Mr. Johnson is a local class action
9 litigator with approximately 20 years of experience, with his own law firm
10 Johnson & Weaver, LLP and is familiar with hourly rates charged in the
11 community. I raised my hourly rate from \$700 to \$750 in February, 2014. I
12 have been approved at the \$700 rate last year but have not requested fees yet
13 at the \$750 per hour rate.

14 **Overview of The Law Offices of Douglas J. Campion, APC's Efforts in this**
15 **Action**

16 18. Plaintiff alleged that Defendant here violated the Telephone Consumer
17 Protection Act by autodialing Plaintiff, and the class members, on their
18 respective cellular telephones without the recipient's prior express consent.

19 19. Prior to the filing of this action, I, along with many other consumer
20 attorneys, previously filed other TCPA class actions against Wells Fargo. In
21 these cases, I learned valuable information regarding the business practices
22 of Wells Fargo that ultimately led to this strong settlement.

23 20. This matter required my firm to spend time on this consolidated litigation
24 that could have been spent on other matters. My firm has not been paid
25 anything for our work on this case since it was filed. It is my opinion that
26 law firms in such a position expect to receive a multiplier in cases such as
27 these because of the risk taken, the extent to which firms are unable to take
28 on other cases, the delay in getting paid and the costs we have to advance.

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1 At various times during the litigation of this class action, this lawsuit has
2 consumed my time as well as my firm's resources.

3 21.To provide the Court with an overview of the work done by my firm in this
4 case, without requiring the review of our voluminous time records
5 themselves, I divide my firm's work into specific phases that track the
6 progress of the litigation from our initial investigation through settlement.

7 22.Initial Case Investigation. Such investigation included the following:
8 Conducting extensive factual and legal research into the merits of the
9 privacy claims; discussing the facts with the client; conducting research on
10 the Defendant and subsidiaries including whether Defendant had been
11 investigated for any prior privacy violations; discussing joint prosecution of
12 the action; and drafting, revising, and filing the Complaint.

13 23.*Motion Practice.* Because the case settled at a relatively early date, no
14 motion practice was required except the time necessary for preparing the
15 motion for preliminary approval and this motion. We will also have to
16 spend time preparing the briefs and supporting documents for the final
17 approval hearing.

18 24.*Mediation.* My co-counsel Josh Swigart, Abbas Kazerounian and I attended
19 mediation in this case with the Hon. Irma Gonzalez (Ret.) of JAMS. I spent
20 a number of hours in drafting the mediation brief, and in preparing for the
21 mediation generally. That required working with defense counsel about the
22 size of the class, the number of calls to cellphones and the range of
23 settlements in recent TCPA cases.

24 25.*Confirmatory Discovery.* My co-counsel spent numerous hours drafting the
25 deposition notice for confirmatory discovery and preparing for the
26 confirmatory discovery deposition of Defendant's F.R.C.P. 30(b)(6) witness.
27 I did not attend the deposition but reviewed the deposition transcript to
28 confirm the information we were provided at mediation.

1 26. *Preliminary Approval and Overseeing Settlement Administration.* All three
2 firms spent a considerable amount of time drafting the preliminary approval
3 motion and supporting documentation. We also had discussion with
4 opposing counsel on claims administration and notice issues. Once this
5 matter was granted preliminary approval, all three firms spent numerous
6 hours overseeing the notice and administrative process. That included a
7 substantial time answering questions from Class members, via email, letters
8 and phone calls. In doing so, all three firms worked closely with the Claims
9 Administrator to process those claims and answer any questions.

10 27. *Motion for Attorneys' Fees and Costs.* All three firms spent a substantial
11 number of hours researching, drafting and filing the current Motion for fees
12 and costs. I reviewed and revised the brief, drafted declarations and worked
13 with other co-counsel on the project.

14 28. *Anticipated Additional Hours Expended.* I anticipate a significant amount of
15 work and hours will be expended after the filing of the fee application in this
16 matter. Based on previous settlements, it can be reasonably estimated that
17 an additional 30 hours will be expended on overseeing the administration of
18 the settlement, preparing the final approval papers and attending the final
19 approval hearing. I understand each of the three Class Counsel firms are
20 adding to their lodestar one-third of that amount, or ten hours each, in a very
21 conservative estimate of the additional time that will be required.

22 **Percentage of Common Fund Factors**

23 29. We are seeking a percentage of the recovery as our fees, based on the Ninth
24 Circuit benchmark of 25%. That sum is \$3,464,775.95 based on the
25 Settlement Fund of \$13,859,103.80. Class Counsel and related co-counsel
26 have met the factors justifying such a percentage fee, based on 9th Circuit
27 law. For example, the results achieved were excellent. \$13,859,103.80 is a
28 substantial amount of money for this Class. We all faced a risk of not being

1 successful in this case, as many cases are lost for a number of reasons,
2 including arbitration clauses in contracts, failure to certify a class and a host
3 of other reasons. Class Counsel showed skill in obtaining the result
4 achieved, and in the relatively short time in which it was achieved, due to
5 their prior efforts in other similar cases against Wells Fargo. The fee is
6 completely contingent on our success as none of the firms get paid anything
7 in these contingency cases unless they achieve a successful result.
8 Furthermore, the 25% fee sought is similar to the fees awarded in other class
9 action common fund cases, including TCPA cases, including the cases cited
10 in the brief.

11 30. My lodestar totals \$86,700.00 for this Action, based upon 110.60 hours at
12 \$750 per hour.

13 31. The sum of \$3,464,775.95 we are seeking as a percentage of the Settlement
14 Fund, if viewed from a lodestar cross-check basis, reveals a multiplier of
15 3.6² based upon the total fees incurred by all Class Counsel lodestars of
16 \$907,507.00 plus costs of \$33,051.88 for a total request of \$940,559.26.

17 32. For all the reasons as argued in the brief as to the factors influencing the
18 amount of a multiplier awarded, I believe a multiplier in that amount is
19 appropriate here. This case is such a case that would not have been pursued
20 by any counsel unless a multiplier would be awarded. This is based on the
21 contingency nature of this matter, the litigation risks involved, and the lost
22 opportunity costs associated with undertaking this action, which could have
23 been allocated to other cases. Such a multiplier is expected because of the
24 class of cases into which this action falls. Furthermore, there is absolutely
25 no incentive for a client to hire an attorney on an hourly basis to pursue the
26 statutory damages for a TCPA violation if the maximum recovery would be

27 ² The precise multiplier sought by Class Counsel is 3.683740193; however, Class Counsel refers to
28 the approximate multiplier of 3.6 for the sake of brevity.

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1 \$1,500. That would be non-economical for any client as the attorneys' fees
2 would far exceed any potential recovery.

3 33. Furthermore, cases in which my firm and other firms charge an hourly rate
4 take into account that they will likely be paid for the work performed. If I
5 am not being paid, I can withdraw from the case if necessary and not have to
6 be committed to doing work for perhaps years on a case without knowing if
7 I will be paid or not. In this case and other similar TCPA cases, my firm,
8 and others like it, take these cases on only because the attorneys expect to be
9 paid a multiplier if the case is successful. Here the case was successful and
10 substantial recovery was obtained for class members, who otherwise would
11 not have received anything.

12 34. Based on the type of case, the fact there is not a fee shifting provision and
13 the result obtained, a multiplier of approximately 3.6 is warranted in this
14 case. I took this case on contingency, with no guarantee of ever being paid
15 and faced substantial risk should the case proceed to trial. From the onset of
16 this litigation my firm and co-counsel have expended our own resources
17 with the risk that we would recover nothing.

18 **Incentive Awards Being Sought**

19 35. As set forth in the Motion for Preliminary Approval, the named class
20 representative is applying for an incentive award. The class representative
21 has been active in this litigation and provided critical information to their
22 counsel, which made the successful litigation of this matter possible. Ms.
23 Franklin assisted with the factual investigation in to her claims. She also
24 made herself available by telephone on the date of the mediation, and
25 reviewed and approved the settlement.

26 36. As an incentive award, Ms. Franklin seeks \$1,500 for her service as a class
27 representative.

28 37. Based on the amount of work and involvement by Ms. Franklin, the

1 incentive award in this case is justified.

2 38. Class Counsel's retainer agreement with Franklin provides that counsel may
3 be entitled to attorneys' fees and "that such an award of attorneys' fees may
4 be as much as 33 1/3% of any settlement fund or judgment..."

5
6 I declare under penalty of perjury of the laws of California and the United
7 States that the foregoing is true and correct, and that this declaration was executed
8 in San Diego, CA on May 20, 2015.

9
10 By: /s/ Douglas J. Campion

11 Douglas J. Campion, Esq.

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