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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE EASTERN DISTRICT OF WASHINGTON**

14 **Nathan Hofstader and Richard**
15 **Cerenzia, individually and on**
16 **behalf of others similarly situated,**

17 **Plaintiffs,**

18 **v.**

19 **Emergency Physician Services, P.S.**
20 **Providence Holy Family Hospital,**
21 **Sacred Heart Medical Center, and**
22 **Providence Health and Services,**

23 **Defendants.**

Case No.: 2:18-cv-00062-SMJ

DECLARATION OF ABBAS
KAZEROUNIAN IN SUPPORT OF:

(1) FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

(2) AWARD OF ATTORNEYS’
FEEES, COSTS AND SERVICE
AWARDS;

DATE: February 9, 2021

TIME: 1:30 p.m.

CRTRM: 755

JUDGE: Hon. Salvador J. Mendoza



DECLARATION OF ABBAS KAZEROUNIAN

I, Abbas Kazerounian hereby declare under penalty of perjury that the following is true and correct:

1. I have personal knowledge of the following facts and, if called as a witness, would testify as follows.
2. I am one of the Plaintiffs’ co-counsel in this action and make this declaration in support of Plaintiff’s Motion for Final Approval and Motion for Attorney’s Fees, Costs, and Service Awards.
3. Class Counsel completed a significant amount of work on this case, which resulted in a successful class settlement as described herein and in the Motion for Final Approval. If requested, Class Counsel will provide a detailed time record of all of the hours spent on this case.

Procedural History

4. Plaintiffs filed their initial Complaint on February 20, 2018.
5. Defendant filed an Answer on March 23, 2018.
6. Plaintiff and Defendant then participated in substantial discovery including written discovery and conferring regarding responses.
7. The Parties subsequently participated in two settlement conferences led by Judge John T. Rodgers. After the second settlement conference, the parties came to an agreement.

Plaintiffs Hofstader and Cerenzia’s Involvement

8. In addition to lending their name to this matter, and thus subjecting themselves to public attention, Plaintiffs Nathan Hofstader and Richard Cerenzia (jointly as “Plaintiffs”) have actively engaged in this action. Plaintiffs have spent hours engaged in this action, which includes time spent in pre-litigation investigation, reviewing the complaint, assisting with initial disclosures, assisting with written discovery, reviewing motions, Plaintiff



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Hofstader attending his own deposition, Plaintiffs attending both settlement conferences, reviewing and signing settlement documents, and communicating with Plaintiffs’ counsel throughout the litigation.

9. Based on their participation, Plaintiffs request \$2,500 each for an incentive award to be paid separately from the attorneys fees and costs requested by class counsel.

Class Settlement

10. Based on the facts of this case, I believe this settlement is fair, reasonable, and adequate; and among other things, the Settlement will avoid costly and time-consuming litigation and the need for trial.

11. In considering the Settlement, Plaintiffs, my co-counsel, and I carefully balanced the risks of continuing to engage in protracted and contentious litigation against the benefits to the Settlement Class, including the stipulated change in policies, and believe that the injunctive relief settlement is in the best interests of the Settlement Class Members.

12. I believe that under the circumstances the proposed Settlement is fair, reasonable, and adequate, and is in the best interests of the Class Members.

13. This Settlement was only obtained after the parties engaged in both informal and formal discovery, extensive arm’s length negotiations, and two settlement conferences before Honorable John T. Rodgers regarding allegations that Defendant failed to properly notify class members of the availability of charity care.

14. I have not been contacted by any of the Attorneys General concerning this proposed Settlement.

Kazerouni Law Group Practice

15. Kazerouni Law Group’s practice is almost exclusively devoted to the litigation of consumer law, primarily focusing on cases under consumer



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protection matters and has nine offices in seven states.

16.The firm has litigated over 8,000 cases in the past 3 years.

17.On most cases Kazerouni Law Group represents consumers on a contingency fee, funding all litigation costs, and usually waiting a considerable amount of time before being paid for services.

18.Below is a brief summary of a non-inclusive list of notable decisions that I have been involved in:

- *Hill v. Quicken Loans, Inc.*, No. ED CV 19-0163 FMO (SPx), 2020 U.S. Dist. LEXIS 140980 (C.D. Cal. Aug. 5, 2020) (denying defendant’s motion to dismiss and motion to compel arbitration of TCPA case after an evidentiary hearing);
- *Malta, et al. v. Wells Fargo Home Mortgage, et al.*, 10-CV-1290-IEG (BLM) (Served as co-lead counsel for a settlement class of borrowers in connection with residential or automotive loans and violations of the TCPA in attempts to collect on those accounts; obtained a common settlement fund in the amount of \$17,100,000; final approval granted in 2013);
- *Ronquillo-Griffin v. TransUnion Rental Screening Solutions, Inc. et al.*, No. 3:17-cv-00129-JM-BLM (S.D.Cal. May 9, 2019) (co-lead counsel in finally approving class action settlement involving claims under Cal. Pen. Code § 630, *et seq.*);
- *Barrow v. JPMorgan Chase Bank, N.A.*, 1:16-cv-03577-AT (N.D. Ga) (co-lead counsel in finally approved TCPA class settlement for \$2,250,000);
- *Barani v. Wells Fargo Bank, N.A.*, 12-CV-02999-GPC (KSC) (S.D. Cal.) (Co-lead class counsel in a settlement under the TCPA for the sending of unauthorized text messages to non-account holders in



1 connection to wire transfers; finally approved on March 6, 2015 for
2 over \$1,000,000);

- 3 ■ *Holt v. Foodstate, Inc.*, No. 1:17-cv-00637-LM, 2020 U.S. Dist.
4 LEXIS 7265 (D.N.H. Jan. 16, 2020) (finally approving class action
5 settlement for alleged false advertising of consumable product,
6 \$2,100,000, with Abbas Kazerounian and Jason Ibey as co-lead class
7 counsel);
- 8 ■ *Delisle v. Speedy Cash*, No. 3:18-CV-2042-GPC-RBB, 2019 U.S.
9 Dist. LEXIS 96981 (S.D. Cal. June 10, 2019) (denying defendant’s
10 motion to compel arbitration of claims for allegedly charging
11 excessive APR; remanded on appeal to consider intervening law,
12 decision pending; I am co-lead counsel);
- 13 ■ *Oxina v. Lands’ End, Inc.*, 3:14-cv-02577-MMA-NLS (S.D. Cal.
14 2016) (co-lead counsel in finally approved settlement under California
15 Made in the USA statute);
- 16 ■ *Kline v. Dymatize Enters., LLC*, No. 15-CV-2348-AJB-RBB, 2016
17 U.S. Dist. LEXIS 142774, at *16 (S.D. Cal. Oct. 13, 2016) (co-lead
18 counsel in finally approved class action settlement regarding slack fill
19 claim);
- 20 ■ *Maxin v. RHG & Company, Inc.*, 2017 U.S. Dist. LEXIS 27374 (S.D.
21 Cal. February 27, 2017) (co-lead counsel in finally approved class
22 action settlement for \$900,000);
- 23 ■ *Scheuerman v. Vitamin Shoppe Industries, Inc.*, BC592773 (Los
24 Angeles Superior Court) (co-lead counsel in finally approved class
25 action settlement for up to \$638,384);
- 26 ■ *Fishman v. Subway Franchisee Advert. Fund Tr., Ltd.*, No. 2:19-cv-
27 02444-ODW (ASx), 2019 U.S. Dist. LEXIS 200710 (C.D. Cal. Nov.
28 18, 2019) (col-lead counsel; obtained order denying a defendant’s



1 motion to dismiss case for lack of personal jurisdiction where
2 jurisdiction as based on an agency relationship);

- 3 ■ *Meza v. Sirius XM Radio Inc.*, No. 17-cv-02252-AJB-JMA (S.D.Cal.
4 February 25 2020) (was co-lead counsel; obtained order denying the
5 defendant’s motion to strike class allegations and motion to dismiss
6 complaint where defendant challenge the constitutionality of the
7 TCPA);
- 8 ■ *Conner v. JPMorgan Chase Bank, et al.*, 10-CV-1284 DMS (BGS)
9 (S.D. Cal.) (finally approved \$11,973,558);
- 10 ■ *In Re Jiffy Lube International, Inc.*, MDL No. 2261 (Finally approved
11 for \$47,000,000.00 in value to the class);
- 12 ■ *Newman v. AmeriCredit Financial Services*, 11-cv-03041-DMS-BLM
13 (S.D. Cal.) (co-lead counsel in finally approving TCPA settlement for
14 over \$6,500,000 on March 28, 2016);
- 15 ■ *Fox v. Asset Acceptance, LLC*, 14-cv-00734-GW-FFM (C.D. Cal. July
16 1, 2016) (co-lead counsel in finally approved TCPA class action for
17 \$1,000,000; \$200,000 cash and \$800,000 debt relief);
- 18 ■ *Barrett v. Wesley Financial Group, LLC*, 13-cv-00554-LAB-KSC
19 (S.D. Cal.) (Appointed co-lead class counsel in certified TCPA
20 action);
- 21 ■ *Gehrich v. Chase Bank, N.A.*, 12-cv-5510 (N.D. Cal.) (finally
22 approved for \$34,000,000);
- 23 ■ *Macias v. Water & Power Community Credit Union*, BC515936 (Los
24 Angeles Superior Court) (Co-class counsel in certified class action
25 under the Rosenthal Fair Debt Collection Practices Act; class action
26 settlement finally approved on April 21, 2016);
- 27 ■ *LaPuebla v. BirchBox, Inc.*, 3:15-cv-00498-BEN-BGS (S.D. Cal.
28 2016) (co-lead counsel in finally approved settlement in unlawful



1 auto-renewal action, allowing class members to receive credits
2 ranging from \$5 to \$20 toward future purchases);

- 3 ■ *Stemple v. QC Holdings, Inc.*, 12-cv-01997-BAS-WVG (S.D. Cal.
4 Nov. 7, 2016) (Co-lead counsel in finally approved for \$1,500,000);
- 5 ■ *Abdeljalil v. GE Capital Retail Bank*, 12-cv-02078–JAH–MDD (S.D.
6 Cal.) (Co-lead counsel; Class Certification granted and finally
7 approved for \$7,000,000);
- 8 ■ *Hooker v. Sirius XM Radio Inc.*, 4:13-cv-00003-AWA-LRL (E.D.Va.
9 December 22, 2016) (Served as co-lead counsel in finally approved
10 TCPA class action settlement with a monetary fund of \$35,000,000);
- 11 ■ *Medeiros v. HSBC Bank Nevada, N.A.*, 3:14-cv-01786-JLS-MDD
12 (S.D. Cal. 2017) (Finally approved action under Penal Code 632, *et*
13 *seq.* for \$13,000,000);
- 14 ■ *Burkhammer v. Allied Interstate, LLC*, 2017 Cal. Super. LEXIS 109
15 (Sup. Ct. San Luis Obispo) (Co-lead counsel in RFDCPA class action
16 finally approved on October 30, 2017);
- 17 ■ *Caldera v. Am. Med. Collection Agency*, 2017 U.S. Dist. LEXIS
18 99239 (C.D. Cal. June 27, 2017) (Order certifying nationwide TCPA
19 class action and appointing Mr. Kazerounian as co-lead counsel);
- 20 ■ *Moreno-Peralta v. TRS Recovery Services, Inc.*, 2017 Cal. Super.
21 LEXIS 548 (Sup. Ct. San Luis Obispo Oct. 10, 2017) (Co-lead
22 counsel in RFDCPA class action finally approved);
- 23 ■ *Luster v. Wells Fargo Dealer Services, Inc.*, 15-cv-1058 (TWT) (N.D.
24 Ga. November 8, 2017) (TCPA class action finally approved in the
25 amount of \$14,834,058.00);
- 26 ■ *McPolin v. Credit Service of Logan*, 16-cv-116 BSJ (Utah District
27 Court) (Co-lead counsel in FDCPA class action with consumers to
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1 each receive \$1,428.57, debt relief, and tradeline deletion finally
2 approved on November 9, 2017);

- 3 ■ *Reid v. I.C. System, Inc.*, 2017 U.S. Dist. LEXIS 43770 (D.Ariz.
4 March 24, 2017) (TCPA class actions finally approved in the amount
5 of \$3,500,000);
- 6 ■ *Dowlatshahi v. Mcilhenny Company*, No. 30-2017-00911222-CU-NP-
7 CXC (Sup. Ct. Orange County Oct. 10, 2018) (granting final approval
8 to product false advertising settlement with Mr. Kaerounian as co-lead
9 counsel);
- 10 ■ *Giffin v. Universal Protein Supplements Corporation d/b/a/ Universal*
11 *Nutrition et al.*, No. BC613414 (Superior Court of California, County
12 of Los Angeles) (co-lead counsel in finally approved class action
13 settlement alleging violation of California law involving Made in
14 USA representations);
- 15 ■ *Holt v. Noble House Hotels & Resort, Ltd.*, No. 17cv2246-MMA
16 (BLM), 2018 U.S. Dist. LEXIS 177940 (S.D. Cal. Oct. 16, 2018)
17 (achieved class certification status on CLRA claim for alleged false
18 advertising of restaurant surcharge; Abbas Kazerounian and Jason
19 Ibey appointed as class counsel);
- 20 ■ *Sherman v. Kaiser Foundation Health Plan, Inc.*, 13-CV-0981-JAH
21 (JMA) (S.D. Cal.) (Settled for \$5,350,000 and finally approved on
22 May 12, 2015; served as co-lead counsel);
- 23 ■ *Couser v. Comenity Bank*, 12-cv-02484-MMA-BGS (S.D. Cal. Oc. 2,
24 2014) (Finally approved for \$8,475,000 on May 27, 2015 served as
25 co-lead counsel);
- 26 ■ *Arthur v. SLM Corporation*, 10-CV-00198 JLR (W.D. Wash.)
27 (nationwide settlement obtaining \$24.15 million; final approval
28 granted in 2012);



- 1 ▪ *Lo v. Oxnard European Motors, LLC, et al.*, 11-CV-1009-JLS-MDD
2 (S.D. Cal.) (Achieving one of the highest class member payouts in a
3 TCPA action of \$1,331.25 per claimant; final approval granted in
4 2012; served as co-lead counsel);
- 5 ▪ *In Re: Midland Credit Management, Inc., Telephone Consumer*
6 *Protection Act Litigation*, 11-md-2286-MMA (MDD) (S.D. Cal.) (Co-
7 lead counsel for a Plaintiff in the lead action, prior to the action being
8 recategorized through the multi-district litigation process; finally
9 approved for \$18 million);
- 10 ▪ *In Re: Portfolio Recovery Associates, LLC Telephone Consumer*
11 *Protection Act Litigation*, 11-md-02295-JAH (BGS) (Co-lead counsel
12 for a Plaintiff in the lead action, prior to the action being recategorized
13 through the multi-district litigation process; finally approved for \$18
14 million);
- 15 ▪ *Sarabri v. Weltman, Weinberg & Reis Co., L.P.A.*, 10-01777-AJB-
16 NLS (S.D. Cal.) (Approved as co-lead counsel and worked to obtain a
17 national TCPA class settlement where claiming class members each
18 received payment in the amount of \$70.00 per claimant; final approval
19 granted in 2013);
- 20 ▪ *Mills v. HSBC Bank Nevada, N.A.*, Case No. 12-CV-04010-SI (N.D.
21 Cal.) (Finally approved for \$39,975,000);
- 22 ▪ *Rose v. Bank of America Corporation et al.*, 12-cv-04009-EJD (N.D.
23 Cal.) (finally approved for \$32,000,000 in 2014);
- 24 ▪ *Lemieux v. EZ Lube, LLC, et al.*, 12-CV-01791-JLS-WYG (S.D. Cal.)
25 (Served as co-lead counsel; finally approved on December 8, 2014);
- 26 ▪ *Knell, et al. v. FIA Card Services, N.A.*, 13-CV-01653-AJB-WVG
27 (S.D. Cal.) (California class action settlement under Penal Code 632,
28 *et seq.*, for claims of invasion of privacy. Settlement resulted in a

1 common fund in the amount of \$2,750,000; finally approved in
2 August 15, 2014; served as co-lead counsel.);

- 3 ■ *Hoffman v. Bank of America Corporation*, 12-CV-00539-JAH-DHB
4 (S.D. Cal.) (California class action settlement under Penal Code 632,
5 *et seq.*, for claims of invasion of privacy. Settlement resulted in a
6 common fund in the amount of \$2,600,000; finally approved on
7 November 6, 2014; served as co-lead counsel.);
- 8 ■ *Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles)
9 (finally approved for \$5,600,000 in action under Cal. Pen. Code §
10 630, *et seq.*);
- 11 ■ *Zaw v. Nelnet Business Solutions, Inc. et al.*, No. 13-cv-05788-RS
12 (N.D. Cal.) (Co-lead counsel in finally approved in 2014 for
13 \$1,188,110 in action under Cal. Pen. Code § 630, *et seq.*)

14 **Counsel's Experience in Support of Attorneys' Fees Request**

15 19. In 2014, I argued before the Ninth Circuit Court of Appeals in the case of
16 *Knutson v. Sirius XM Radio*, No. 12-56120 (9th Cir. 2014), which resulted
17 in an order in favor of my client.

18 20. On December 6, 2016, I successfully argued before the Ninth Circuit Court
19 of Appeals in the case of *Marks v. Crunch San Diego, LLC*, No. 14-56834.
20 The Ninth Circuit decided in my client's favor in a 3-0 decision.

21 21. In April of 2017, I successfully argued before the Ninth Circuit Court of
22 Appeals in the case of *Afewerki v. Anaya Law Group, et al.*, No. 15-56510.

23 22. On May 15, 2019, I successfully argued again before the Ninth Circuit Court
24 of Appeals in the case of *Afewerki v. Anaya Law Group*, 2019. U.S. App.
25 LEXIS 18777 (9th Cir. 2019), which resulted in an order in favor of my
26 client.

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



1 24.I have undergone extensive training in the area of consumer law. The
2 following is a list of recent training conferences I attended:

- 3 ▪ Four-day National Consumer Law Center Conference; Nashville, TN –
4 2008;
- 5 ▪ Three-day National Consumer Law Center Conference; Portland, OR -
6 2008;
- 7 ▪ Three-day National Consumer Law Center Conference; San Diego,
8 CA - 2009;
- 9 ▪ Three-day National Consumer Law Center Conference; Seattle, WA -
10 2011;
- 11 ▪ National Consumer Law Center Conference in 2013;
- 12 ▪ National Consumer Law Center Conference in 2014;
- 13 ▪ National Consumer Law Center Conference in 2015;
- 14 ▪ National Consumer Law Center Conference in 2016;
- 15 ▪ Three-day CAALA Conference; Las Vegas, NV – 2009;
- 16 ▪ Three-day CAALA Conference; Las Vegas, NV – 2013;
- 17 ▪ Three-day CAALA Conference; Las Vegas, NV – 2015;
- 18 ▪ Three-day CAALA Conference; Las Vegas, NV – 2016;
- 19 ▪ Three-day COAC Conference – 2014 and 2015
- 20 ▪ Speaker ABA National Conference, Business Litigation Section;
21 Trends in Consumer Litigation; San Francisco, CA – 2013;
- 22 ▪ Speaker at the ABA TCPA National Webinar (Consumer Protection,
23 Privacy & Information Security, Private Advertising Litigation, and
24 Media & Technology Committees) – September 2013;
- 25 ▪ Spoke at the 2014 ACA Conference in November 2014;
- 26 ▪ Speaker at ACI Conference in Dallas, TX in September of 2016
27 concerning The Borrower's Perspective: Insight From The Plaintiffs'
28 Bar and Consumer Advocates;



- 1 ▪ Speaker on TCPA panel in September of 2016 at the Annual
- 2 Consumer Financial Services Conference;
- 3 ▪ Spoke at the 2016 CAOC Conference in November of 2016;
- 4 ▪ Presented at the 2017 CAOC seminar in Palm Springs, CA;
- 5 ▪ and
- 6 ▪ Speaker at national webinar on June 7, 2017 for the CAOC, entitled,
- 7 Understanding the Fair Debt Collection Practices Act.

8 25. As one of the main plaintiff litigators of consumer rights cases in the
9 Central District of California, I have been requested to and have made
10 regular presentations to community organizations regarding debt collection
11 laws and consumer rights. These organizations include Whittier Law
12 School, Iranian American Bar Association, Trinity School of Law,
13 Chapman Law School, University of California, Irvine, and California
14 Western School of Law.

15 26. I was the principle anchor on Time Television Broadcasting every Thursday
16 night as an expert on consumer law generally, and the TCPA specifically,
17 between 2012 and 2013.

18 27. I lectured in Class Action Trends at the CAOC 2015 Conference in San
19 Francisco.

20 28. I lectured on the TCPA before the ABA Business Law Section, Consumer
21 Financial Services Committee in January 2016 at an event in Utah entitled,
22 “Impact of the FCC’s 2015 Rulings on TCPA Litigation.”

23 29. I was a speaker at the The Knowledge Group’s national webinar in 2016 on
24 the impact of the Federal Communications Commission’s 2015 ruling on
25 the TCPA.

26 30. I was a speaker at San Diego Law School Class Action Forum 2020 on
27 Consumer Class Actions in March of 2020.

28 31. I was a speaker for the California Lawyers Association March 3, 2020



1 Webinar on “Recent Developments in Internet and Privacy Law Affecting
2 California Consumer Financial Service Providers” presented by the Internet
3 and Privacy Law Committee; and, the Consumer Financial Services
4 Committee.

5 32.I was named Rising Star by San Diego Daily Tribune in 2012, and Rising
6 Star in Super Lawyers Magazine in 2013, 2014 and 2015. I was named a
7 Super Lawyer by Super Lawyers Magazine in 2016 and 2017.

8 33.I was selected for membership into The National Trial Lawyers: Top 40
9 Under 40 in 2016.

10 34.In January of 2016, I spoke on the impact of the Federal Communications
11 Commission’s 2015 Declaratory Ruling on TCPA litigation at the ABA
12 National Convention in Salt Lake City, Utah.

13 35.In May of 2016, I spoke on Class Action Trends at the CAOC seminar in
14 Palm Springs, California.

15 36.I lectured on the TCPA before the ABA Business Law Section, Consumer
16 Financial Services Committee in January 2016 at an event in Utah entitled,
17 “Impact of the FCC’s 2015 Rulings on TCPA Litigation.”

18 37.In 2016, I wrote an article entitled “Finding a Balance” that was published
19 in the Nutrition Business Journal, concerning a lawsuit filed under the
20 Racketeer Influenced and Corrupt Organization Act.

21 38.I was published in the Daily Journal in September of 2016, with the title,
22 “The FDCPA: The Forgotten Statute.”

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

25 40.In March of 2016, I moderated the Judges Panel on Class Action Trends
26 and Federal Litigation Trends at the NCLC Conference.

27 41.I spoke on privacy rights on a panel before the California State Bar
28 Convention in 2016.



- 1 42.I spoke at the 22nd National Forum on Residential Mortgage Litigation &
2 Regulatory Enforcement conference on January 22, 2017.
- 3 43.Speaker at the Western Trial Lawyers Association conference on Class
4 Action Trends in 2017, held in Steamboat Springs, Colorado.
- 5 44.Speaker at Consumer Attorneys of California 2017 seminar on hot litigation
6 topics at Lake Tahoe, Nevada.
- 7 45.I wrote an article entitled, *Collateral Damage, Beyond the personal injury:*
8 *When creditors and collection agencies stalk your client*, published in the
9 September 2017 edition of Plaintiff magazine.
- 10 46.Speaker at National Webinar by the ABA Consumer Financial Services
11 Committee on TCPA Update – “The D.C. Circuit’s TCPA Decision on the
12 FCC Ruling, held on March 22, 2018.
- 13 47.Spoke at 2018 Inland Empire CAOC Convention on “Class Action Hot
14 Topics” - May 2018.
- 15 48.I spoke on the FDCPA at National Consumer Law Center’s National
16 Convention in Las Vegas in March, 2019.
- 17 49.Presented at Mass Torts Made Perfect on Modern Trends in the TCPA in
18 April of 2019.
- 19 50.I am a member in good standing of the following local and national
20 associations:
- 21 ▪ Consumer Attorneys Association of Los Angeles;
 - 22 ▪ The Orange County Bar Association;
 - 23 ▪ The Federal Bar Association;
 - 24 ▪ National Consumer Law Center;
 - 25 ▪ American Association for Justice;
 - 26 ▪ Twice served as former President of the Orange County Chapter of the
27 Iranian American Bar Association;
 - 28 ▪ Member in good standing of National Association of Consumer

1 Advocates;

- 2 ■ Consumer Attorneys of California;
- 3 ■ Member of the Leading Forum of the American Association of Justice.

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5 51. On September 12, 2019 in the case of *Medina, et al v. Enhanced Recovery*
6 *Company*, Case No. 2:15-cv-14342 in the United States District Court,
7 Southern District of Florida, I was approved at an hourly rate of \$705 in a
8 Final Approval Order.

9 52. On or about June 18, 2019 in the case of *Maur v Transform*, Case No. CV
10 18-831, in Superior Court of California, County of Yolo, I was approved at
11 an hourly rate of \$705 in a Final Approval Order.

12 53. On May 9, 2019, in the case of *Ronquillo v. Transunion Rental Screening*
13 *Solutions, Inc.*, Case No. 17-civ-129-JMI in the United States District Court,
14 Southern District of California, I was approved at \$705 per hour in a Final
15 Approval order.

16 54. On February 9, 2019, in the case of *Santana, et al. v. Rady Children's*
17 *Hospital*, Case No. 37-2014-00022411-CU-MT-CTL, Superior Court of
18 California, County of San Diego, I was approved at a \$695 hourly rate in a
19 Final Approval Order.

20 55. On December 21, 2018, in the case of *Ayala v Triplepulse, Inc.*, Case No.
21 BC655048 in the Superior Court of California, County of Los Angeles, I
22 received an order granting my hourly rate in the Final Approval at \$675 per
23 hour.

24 56. On October 10, 2018, in the case of *Dowlatshahi v. McIlhenny*, Case No. 30-
25 2017-009911222-CU-NP-CXC, in the Superior Court of California, County
26 of Orange, I received an order granting my hourly rate at \$675 per hour.

27 57. In the matter of *Holt v. Foodstate Inc.*, No. 17-cv-637-LM (D.N.H. Jan. 6,
28 2020), in which I served as one of Class Counsel, the Court at the final



1 approval hearing (as reflected by the hearing transcript for that matter)
2 expressed that “Class counsel are highly qualified and experienced in
3 consumer class actions, including false advertising claims,” and further
4 stated that Mr. Kazerounian “[h]as participated in over 50 consumer
5 protection class action suits in the last several years and he also has received
6 extensive training in consumer protection litigation, has given presentations
7 on the subject, including teaching a law school course on consumer law.”

8 58. Other courts have recognized the experience of Kazerouni Law Group,
9 APC, *see e.g., Barani v. Wells Fargo Bank, N.A.*, No. 12CV2999-GPC
10 (KSC), 2014 U.S. Dist. LEXIS 49838, at *7-8 (S.D. Cal. Apr. 9, 2014)
11 (noting Kazerouni Law Group, APC’s experience in consumer class
12 actions); *Kline v. Dymatize Enters., LLC*, No. 15-CV-2348-AJB-RBB, 2016
13 U.S. Dist. LEXIS 142774, at *16 (S.D. Cal. Oct. 13, 2016) (same).

14 59. Based on my experience and previous awards in other cases described
15 herein, I am requesting my hourly rate in this case be approved at \$710 per
16 hour.

17 60. In addition to my class action experience, I have experience in commercial
18 litigation and large-scale products liability litigation including a \$2.5
19 million-dollar settlement in *Mei Lu Hwei, et al v. American Honda Motor*
20 *Co., Inc., et al.* BC401211 (Los Angeles Superior Court). I have regularly
21 litigated cases in state and federal courts, and have reached numerous
22 confidential seven-figure settlements against internationally known
23 companies.

24 61. Plaintiffs’ counsel’s hourly rates include many factors beyond personal
25 compensation, including non-billed office personnel, equipment, insurance,
26 research materials, office and other overhead expenses. Consumer rights
27 litigation inevitably involves large corporations, which have the capacity to
28 bring enormous resources to bear that individual consumers are simply



1 unable to meet on their own.

2 62.Hospitals vigorously resist settling cases. If plaintiffs attorneys are not
3 compensated at a rate that allows them to maintain the technological – as
4 well as intellectual and professional resources – to match corporate
5 defendants’ exhaustive resources, consumers simply cannot prevail. Few
6 attorneys have the means and ability to take these cases, and if those that do
7 so are not compensated at a rate that allows them the chance of prevailing on
8 behalf of consumers, these cases will not be brought, and the remedial
9 purpose of this legislation will fail.

10 63.Unfortunately, there are very few attorneys who regularly represent
11 plaintiffs in cases involving consumer rights. This is most likely due to the
12 specialized and complex nature of the statute and case law and due to the
13 relative financial resources of the respective parties, whereby the consumer
14 is often forced to “match resources” with the defendant and litigate his or her
15 rights up to – and sometimes through – trial.

16 64.The average consumer does not have funds to litigate this type of case.
17 Therefore, in further justification of our fees, I note that we take such cases
18 (this case included) on a contingency fee basis, advance all litigation costs
19 and do not charge the consumer one penny up front. If the case is lost, we
20 do not get paid. This alone would justify a fee rate well in excess of the fees
21 we charge for doing hourly work.

22 65.My firm’s fees are based on our experience, our proficiency, and our
23 winning track record.

24 66.I have been preliminarily approved as Class Counsel in this matter.

25 **Attorneys’ Fees and Costs Incurred**

26 67.I respectfully submit that this firm utilized skill, careful and thorough
27 preparation and investigation through litigation to reach a favorable result
28 for the Plaintiff. After carefully reviewing my firms billing records, I



1 determined that the fees were reasonably incurred in litigating this case to a
2 successful resolution.

3 68. My co-counsel and I prosecuted the claims at issue efficiently and effectively,
4 making every effort to prevent the duplication of work that could have
5 resulted in having multiple law firms work on this case.

6 69. My co-counsel and I spent a significant amount of time negotiating the
7 Settlement in principle and then finalizing the actual terms of the Settlement
8 with Defendant.

9 70. I note that my co-counsel and my work has not yet been completed, as we
10 must still (1) prepare for and attend the final approval hearing set for
11 February 9, 2021 [Dkt. No. 51]; (2) disburse service awards and awards for
12 Plaintiffs' counsel's fees and expenses; and (3) reasonably monitor the
13 implementation of the implemented policies by Defendant following final
14 approval.

15 71. I billed 84.2 hours at a rate of \$710 per hour for work on this case for a total
16 of \$59,782.

17 72. hours do not account for clerical work, administrative work, emails,
18 messages, etc. completed by office staff.

19 73. The billing for my hours in this case was fair and reasonable based on the
20 novel and complex issues addressed over two and half years of litigation.

21 74. My office has incurred a total of \$6,774.87 in costs for this entire action.
22 That amount represents a filing fee, traveling to multiple settlement
23 conferences, process server fees, printing, and mailing costs. The only costs
24 remaining to be determined are travel costs for the Final Approval hearing.
25 Class Counsel will be able to provide an updated accounting at the Final
26 Approval hearing if requested by the Court.

27 75. The total amount of fees *and* costs Class Counsel seeks is **\$95,000**.

28 76. A copy of Kazerouni Law Group's Fees and Costs Report for the instant

1 action detailing all attorney’s fees and costs incurred successfully litigating
2 this action through the date of Plaintiffs’ Motion for Attorney’s Fees and
3 Costs is available Class Counsel’s offices if the Court would like to look at
4 the time spent in further detail.

5
6 I declare under penalty of perjury under the laws of the State of Washington
7 that the foregoing is true and correct and that this declaration was signed on
8 November 9, 2020 in Costa Mesa, California.

9
10 Dated: November 9, 2020

Respectfully submitted,

11
12 /s/ Abbas Kazerounian
13 Abbas Kazerounian, Esq.
14 Attorney for Plaintiff
15

