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9 Frederick C. Anderson

10  
11 **SUPERIOR COURT OF CALIFORNIA**  
12 **COUNTY OF KERN - UNLIMITED**

13 **FREDERICK C. ANDERSON,**  
14 **INDIVIDUALLY AND ON**  
15 **BEHALF OF ALL OTHERS**  
16 **SIMILARLY SITUATED,**

17 Plaintiff,

18 v.

19 **PHOENIX FINANCIAL**  
20 **SERVICES, LLC; AND,**  
21 **PENDRICK CAPITAL**  
22 **PARTNERS II, LLC,**

23 Defendants.

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Terry McNally  
By Gracie Goodson, Deputy

Case No.: BCV-16-101385

**DECLARATION OF MATTHEW  
M. LOKER IN SUPPORT OF  
PLAINTIFF FREDERICK C.  
ANDERSON MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

**DATE:** February 20, 2018  
**TIME:** 8:30 a.m.

**HON. SIDNEY P. CHAPIN**

**DECLARATION OF MATTHEW M. LOKER, ESQ.**

I, MATTHEW M. LOKER declare:

1. I am one of the attorneys for the Plaintiff FREDERICK C. ANDERSON (“Anderson”) in this action.
2. I submit this declaration in support of the Motion for Preliminary Approval of the Class Action Settlement in the action against Defendants PHOENIX FINANCIAL SERVICES, LLC and PENDRICK CAPITAL PARTNERS II, LLC (“DEFENDANTS”).
3. I am licensed to practice law before all California Federal Courts; and, all California State Courts.
4. If called as a witness, I would competently testify to the matters herein from personal knowledge.
5. The declaration is based upon my personal knowledge, except where expressly noted otherwise.
6. I incorporate the explanation of this class action as discussed in the Declaration of Abbas Kazerounian herein.

**CLASS COUNSEL’S EXPERIENCE**

7. Kazerouni Law Group, APC seeks to be confirmed as class counsel for purposes of this action and proceeding with the settlement.
8. I am an attorney admitted to practice in the State of California and I am a Partner at Kazerouni Law Group, APC (“KLG”), which has been retained to represent Anderson in the above-captioned matter.
9. I am over the age of 18 and am fully competent to make this declaration.
10. I was admitted to the State Bar of California in 2011 and have been a member in good standing ever since that time. I have litigated cases in both state and federal courts in Arizona, California, Florida, Minnesota, Missouri, Nevada, Ohio, South Carolina, Tennessee and Utah.

1 11.I am also admitted in every federal district in California and have handled  
2 federal litigation in the federal districts of California; including being admitted  
3 to the 9<sup>th</sup> Circuit Court of Appeals.

4 12.I am also admitted to practice law in the States of Texas; and, Washington.

5 **KAZEROUNI LAW GROUP, APC'S**  
6 **CONSUMER RELATED EXPERIENCE AND RESULTS**

7 13.I have filed and litigated numerous consumer class actions over the last several  
8 years, including but not limited to the following, which I am or have been  
9 personally involved in:

- 10 a. *Knell, et al. v. FIA Card Services, N.A.*, 13-CV-01653-AJB-WVG (S.D.  
11 Cal.) (California class action settlement under Penal Code 632 et seq., for  
12 claims of invasion of privacy. Settlement resulted in a common fund in  
13 the amount of \$2,750,000; finally approved in August 15, 2014);
- 14 b. *Hoffman v. Bank of America Corporation*, 12-CV-00539-JAH-DHB  
15 (S.D. Cal.) (California class action settlement under Penal Code 632 et  
16 seq., for claims of invasion of privacy. Settlement resulted in a common  
17 fund in the amount of \$2,600,000; finally approved on November 6, 2014  
18 and served as co-lead counsel);
- 19 c. *Franklin v. Wells Fargo Bank, N.A.*, 14-cv-2349 MMA (BGS) (S.D. Cal.)  
20 (TCPA Class Action Settlement preliminarily approved on February 9,  
21 2015 in the amount of \$13,859,103.80);
- 22 d. *Couser v. Comenity Bank*, 12-cv-02484-MMA-BGS (S.D. Cal. Oc. 2,  
23 2014) (Finally approved for \$8,475,000 on May 27, 2015 as served as co-  
24 lead counsel);

- 1 e. *Zaw v. Nelnet, Inc.*, C 13-5788 RS (N.D. Cal.) (California class action  
2 settlement under Penal Code 632 et seq., for claims of invasion of  
3 privacy. Settlement resulted in a common fund in the amount of  
4 \$1,188,110.00; finally approved on November 14, 2014);
- 5 f. *Couser v. Apria Healthcare, Inc. et al.*, 13-cv-00035-JVS-RNB (C.D.  
6 Cal. Oct. 27, 2014) (Finally approved on March 9, 2015 and served as  
7 co-lead counsel);
- 8 g. *Macias v. Water & Power Community Credit Union*, BC515936 (Los  
9 Angeles Superior Court) (Class certification granted under the Rosenthal  
10 Fair Debt Collection Practices Act; class action settlement finally  
11 approved on April 21, 2016);
- 12 h. *Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles)  
13 (finally approved for \$5,600,000);
- 14 i. *Caldera v. Am. Med. Collection Agency*, 2017 U.S. Dist. LEXIS 99239  
15 (C.D. Cal. June 27, 2017) (Order certifying nationwide TCPA class  
16 action);
- 17 j. *Reid v. I.C. System Incorporated*, CV-12-2661 PHX ROS (Arizona  
18 District Court) (\$3,500,000.00 TCPA Class Settlement Preliminarily  
19 Approved on March 24, 2017);
- 20 k. *Burkhammer v. Allied Interstate, LLC*, 2017 Cal. Super. LEXIS 109  
21 (Sup. Ct. San Luis Obispo) (RFDCPA class action finally approved on  
22 October 30, 2017);
- 23 l. *Maxin v. RHG & Company, Inc.*, 2017 U.S. Dist. LEXIS 27374 (S.D.  
24 Cal. Feb. 27, 2017) (Supplement Misrepresentation class action  
25 preliminarily approved on February 27, 2017);
- 26  
27

1 m. *Giffin v Universal Protein Supplements Corporation*, (Los Angeles  
2 Superior Court), BC613414 (Supplement Misrepresentation class action  
3 preliminarily approved on December 28, 2016); and,

4 n. *Moreno-Peralta v. TRS Recovery Services, Inc.*, 2017 Cal. Super. LEXIS  
5 548 (Sup. Ct. San Luis Obispo Oct. 10, 2017) (RFDCPA class action  
6 preliminarily approved); and,

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

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

15 **ADDITIONAL RELEVANT TRAINING,  
16 SPEAKING/TEACHING ENGAGEMENTS AND ASSOCIATIONS**

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

21 16. I also a member in good standing of the following local and national  
22 associations:

- 23 a. National Association of Consumer Advocates;
- 24 b. Orange County Bar Association;
- 25 c. San Luis Obispo Bar Association;
- 26 d. California Attorneys Association of Los Angeles;
- 27 e. Consumer Attorneys of California; and,

1 f. Consumer Financial Services Committee with the State Bar of California.  
2 17.I have been requested to, and have made, regular presentations to community  
3 organizations regarding debt collection laws.

4 18.In 2012, I gave a presentation to law students at California Western School of  
5 Law.

6 19.I also presented an ethics discussion before the Central Coast Paralegal  
7 Association in 2013.

8 20.I made presentations to pre-law majors at California Polytechnic State  
9 University in 2014 and 2016.

10 21.I also spoke to pre-law majors at the University of California, Irvine in 2014.

11 22.I have been invited to speak at Business Networking International meetings on  
12 multiple occasions.

13 23.I speak regularly at meetings for the San Luis Obispo County Drug & Alcohol  
14 Services regarding the benefits of obtaining strong credit.

15 24.I was interviewed and quoted in connection with the New Times Cover Story  
16 entitled *Junk Debt: How the Open Market for Delinquent Debts Leads to*  
17 *Lawsuits and Wage Garnishments*.

18 25.I am a Guest Lecturer for Legal Responsibilities of Business Course at  
19 California Polytechnic State University.

20 26.I presented a MCLE for the State Bar of California entitled “Introduction to  
21 California’s Fair Debt Buying Practices Act.”

22 27.I have also been interviewed on the radio on multiple occasions, including the  
23 Wall Street Business Network on December 16, 2014; and, Real Estate Radio  
24 on March 5, 2015.

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

1 29.I was invited by the State Bar of California to lead a presentation entitled  
2 “Ethical Conundrums in Debt Collection.”

3 30.I have been a Guest Lecturer for the AP English class at Morro Bay High  
4 School in 2015, 2016 and 2017.

5 31.I regularly speak at Home Buyer’s Workshops in San Luis Obispo County  
6 along with agents from Century 21.

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

11 33.I was invited to and spoke at the 88<sup>th</sup> Annual California State Bar Association  
12 Meeting. Said discussion was entitled “Debt Collection in the Age of  
13 Technology and the CFPB.”

14 34.I was named as a Best Consumer Rights Lawyer for California in 2015 by  
15 M&A Awards.

16 35.I was named as a Lawyer of Distinction for 2017.

17 36.I was nominated as a Rising Star for 2017 by Super Lawyers.

18 37.I was the co-Chair of programming for the Consumer Financial Services  
19 Committee with the State Bar of California in 2016 and 2017.

20 38.I was selected to be a part of the eCourse Development Team for a debt defense  
21 course to be presented by the National Association of Consumer Attorneys.

22 39.I was also selected to be a part of the eCourse Development Team for a Fair  
23 Credit Reporting Act course to be presented by the National Association of  
24 Consumer Attorneys.

1 40.I have been a Panel Mediation for multiple State Bar functions in 2016 and  
2 2017 including “Introduction to the Fair Credit Reporting Act”; Recent  
3 Advances in California Invasion of Privacy Act”; and, “Recent Advances in the  
4 Telephone Consumer Protection Act.”

5 41.I also was selected to give the opening presentation for the University of  
6 California, Santa Barbara’s Financial Literacy Month in April 2017.

7 42.I gave a presentation to the State Bar of California regarding the recent United  
8 States Supreme Court’s decision in *Henson v. Santander Consumer USA, Inc.*  
9 on July 20, 2017.

10 43.I am a coach for the Morro Bay High School Moot Court team.

11 44.My article, California’s Identity Theft Act: A Tool to Protect Consumers After  
12 the Equifax Breach of 2017, has been published by Plaintiff’s Magazine; and,  
13 the San Luis Obispo Bar Bulletin. The article will also be published by  
14 Business Law News; and, The Advocate.

15 45.In 2017, the California Legislature proposed an amendment to the Dating  
16 Services Contract Act, Cal. Civ. Code § 1694, et seq. (“DSCA”). The  
17 Consumer Attorneys of California requested my views on this amendment and  
18 requested that I propose a counter amendment that more adequately protected  
19 consumers. Said amendments were adopted and a more neutral version of the  
20 DSCA was presented to the Legislature.

21 46.In 2017, the California Legislature proposed an amendment to the Information  
22 Practices Act, Cal. Civ. Code § 1798, et seq. (“IPA”). The Consumer Attorneys  
23 of California requested my views on this amendment and requested that I  
24 propose a counter amendment that more adequately protected consumers. Said  
25 amendments have been proposed to the Legislature.



