

KAZEROUNI LAW GROUP, APC  
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*Attorneys for Plaintiff,*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**ROSA CALDERON; AND,  
JAVIER CALDERON,  
INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,**

Plaintiffs,

v.

**THE WOLF FIRM, A LAW  
CORPORATION,**

Defendant.

**CARDOZA LAW CORPORATION**  
Michael F. Cardoza, Esq. (194065)  
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**Case No.:** CV16-1266 JLS (KESx)

**DECLARATION OF ABBAS  
KAZEROUNIAN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

**DATE:** December 15, 2017

**TIME:** 2:30 p.m.

**DPT:** 10A

**HON. JOSEPHINE L. STATON**

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**DECLARATION OF ABBAS KAZEROUNIAN, ESQ.**

I, ABBAS KAZEROUNIAN, declare as follows:

1. I am one of the attorneys for the Plaintiffs ROSA CALDERON; and, JAVIER CALDERON (“Calderon”) 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 Defendant THE WOLF FIRM, A LAW CORPORATION (the “Wolf Firm”).
3. I am over the age of 18 and am fully competent to make this declaration.
4. I was admitted to the State Bar of California in 2007 and have been a member in good standing ever since that time.
5. I have litigated cases in both State and federal courts in California, Washington, Nevada, Arizona, Arkansas, New York, New Jersey, Colorado, Tennessee, Ohio, Florida, Illinois and Texas.
6. I am admitted in every federal district in California and have handled federal litigation in the federal districts of California.
7. I am also admitted to the state bars of Texas, Illinois, Washington, Michigan, District of Columbia, the Ninth Circuit Court of Appeals, the Eighth Circuit Court of Appeals, and the Supreme Court of the United States.
8. If called as a witness, I would competently testify to the matters herein from personal knowledge. The declaration is based upon my personal knowledge, except where expressly noted otherwise.
9. I submit this declaration in support of the Plaintiffs’ Motion for Preliminary Approval.
10. I incorporate the explanation of this class action as discussed in the Declaration of Matthew M. Loker herein.

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

1  
2 11. Since my admission to the State Bar of California in 2007, I have been  
3 engaged exclusively in the area of consumer rights litigation, primarily in the  
4 area of fair debt collections, the defense of debt collection lawsuits, class  
5 action litigation under the Telephone Consumer Protection Act, California's  
6 invasion of privacy statutes pursuant to Penal Code § 630, *et seq.*, and false  
7 advertising actions concerning consumer products.

8 12. A brief summary of a non-inclusive list of notable published decisions are as  
9 follows:

10 a. *Sherman v. Yahoo!, Inc.*, 2014 U.S. Dist. LEXIS 13286; 13-CV-0041-  
11 GPC-WVG (S.D. Cal.) (TCPA class action where Defendant's motion for  
12 summary judgment was denied holding that a single call or text message  
13 with the use of an ATDS may be actionable under the TCPA);

14 b. *Olney v. Progressive Casualty Insurance Company*, 13-CV-2058-GPC-  
15 NLS, 2014 U.S. Dist. LEXIS 9146 (S.D. Cal.) (Defendant's motion to  
16 dismiss or in the alternative to strike the class allegations was denied  
17 finding that debt collection calls were not exempt from coverage under the  
18 TCPA);

19 c. *Iniguez v. The CBE Group, Inc.*, 2013 U.S. Dist. LEXIS 127066 (E.D.  
20 Cal.); 13-CV-00843-JAM-AC (The court denied Defendant's motion to  
21 dismiss and to strike class allegations holding that the TCPA applies to any  
22 call made to a cellular telephone with an ATDS);

23 d. *Stemple v. QC Holdings, Inc.*, No. 12-cv-01997-BAS (WVG), 2014 U.S.  
24 Dist. LEXIS 125313 (S.D. Cal. Sep. 5, 2014) (order denying defendant's  
25 motion for reconsideration of class certification under the TCPA);  
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e. *Chen v. Allstate Ins. Co.*, 819 F.3d 1136 (9th Cir. 2016) (order affirming decision finding unaccepted offer of judgment under Fed. R. Civ. P. 68 did not moot the plaintiff’s individual TCPA claims).

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

a. *Lemieux v. EZ Lube, LLC, et al.*, 12-CV-01791-JLS-WYG (S.D. Cal.) (Served as co-lead counsel; finally approved on December 8, 2014);

b. *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);

c. *Conner v. JPMorgan Chase Bank, et al.*, 10-CV-1284 DMS (BGS) (S.D. Cal.) (finally approved \$11,973,558);

d. *In Re: Midland Credit Management, Inc., Telephone Consumer Protection Act Litigation*, 11-md-2286-MMA (MDD) (S.D. Cal.) (Counsel for a Plaintiff in the lead action, prior to the action being recategorized through the multi-district litigation process; finally approved for \$18,000,000);

e. *In Re: Portfolio Recovery Associates, LLC Telephone Consumer Protection Act Litigation*, 11-md-02295-JAH (BGS) (Counsel for a Plaintiff in the lead action, prior to the action being recategorized through the multi-district litigation process; preliminarily approved);

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- f. *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 concerning calls to cellular telephone at the time: \$24.15 million; final approval granted in 2012);
- g. *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 per claimant; final approval granted in 2012);
- h. *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 per claimant; final approval granted in 2013);
- i. *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 connection to wire transfers; finally approved on March 6, 2015 for over \$1,000,000);
- j. *Mills v. HSBC Bank Nevada, N.A.*, Case No. 12-CV-04010-SI (N.D. Cal.) (Finally approved for \$39,975,000);
- k. *In Re Jiffy Lube International, Inc.*, MDL No. 2261 (Finally approved for \$47,000,000.00);
- l. *Sherman v. Kaiser Foundation Health Plan, Inc.*, 13-CV-0981-JAH (JMA) (S.D. Cal.) (Settled for \$5,350,000 and finally approved on May 12, 2015; served as co-lead counsel);

- 1 m. *Knell, et al. v. FIA Card Services, N.A.*, 13-CV-01653-AJB-WVG (S.D.  
2 Cal.) (California class action settlement under Penal Code 632 et seq., for  
3 claims of invasion of privacy. Settlement resulted in a common fund in  
4 the amount of \$2,750,000; finally approved in August 15, 2014);
- 5 n. *Hoffman v. Bank of America Corporation*, 12-CV-00539-JAH-DHB (S.D.  
6 Cal.) (California class action settlement under Penal Code 632 et seq., for  
7 claims of invasion of privacy. Settlement resulted in a common fund in  
8 the amount of \$2,600,000; finally approved on November 6, 2014 and  
9 served as co-lead counsel);
- 10 o. *Couser v. Comenity Bank*, 12-cv-02484-MMA-BGS (S.D. Cal. Oc. 2,  
11 2014) (Finally approved for \$8,475,000 on May 27, 2015 as served as co-  
12 lead counsel);
- 13 p. *Zaw v. Nelnet, Inc.*, C 13-5788 RS (N.D. Cal.) (California class action  
14 settlement under Penal Code 632 et seq., for claims of invasion of privacy.  
15 Settlement resulted in a common fund in the amount of \$1,188,110.00;  
16 finally approved on November 14, 2014);
- 17 q. *Couser v. Apria Healthcare, Inc. et al.*, 13-cv-00035-JVS-RNB (C.D. Cal.  
18 Oct. 27, 2014) (Finally approved on March 9, 2015 and served as co-lead  
19 counsel);
- 20 r. *Rose v. Bank of America Corporation et al.*, 12-cv-04009-EJD (N.D. Cal.)  
21 (Finally approved for \$32,000,000 in 2014);
- 22 s. *Newman v. AmeriCredit Financial Services*, 11-cv-03041-DMS-BLM  
23 (S.D. Cal.) (finally approving TCPA settlement for over \$6,500,000 on  
24 March 28, 2016);
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- 1           *t. Fox v. Asset Acceptance, LLC*, 14-cv-00734-GW-FFM (C.D. Cal. July 1,  
2           2016) (finally approved TCPA class action for \$1,000,000; \$200,000 cash  
3           and \$800,000 debt relief);
- 4           *u. Barrett v. Wesley Financial Group, LLC*, 13-cv-00554-LAB-KSC (S.D.  
5           Cal.) (Class certification granted); and,
- 6           *v. Gehrlich v. Chase Bank, N.A.*, 12-cv-5510 (N.D. Cal.) (finally approved for  
7           \$34,000,000);
- 8           *w. 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 approved  
11          on April 21, 2016);
- 12          *x. Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles)  
13          (finally approved for \$5,600,000);
- 14          *y. Oxina v. Lands' End, Inc.*, 3:14-cv-02577-MMA-NLS (S.D. Cal. 2016)  
15          (finally approved settlement under California Made in the USA statute);
- 16          *z. LaPuebla v. BirchBox, Inc.*, 3:15-cv-00498-BEN-BGS (S.D. Cal. 2016)  
17          (finally approved settlement in unlawful auto-renewal action);
- 18          *aa. Medeiros v. HSBC Bank Nevada, N.A.*, 3:14-cv-01786-JLS-MDD  
19          (S.D. Cal. 2016) (preliminarily approved action under the California  
20          Invasion of Privacy Act, Penal Code 632, *et seq.*);
- 21          *bb. Knutson v. Schwan's Home Service, Inc. et al.*, 3:12-cv-00418-AJB-DHB  
22          (S.D. Cal.) (finally approved for \$2,535,280);
- 23          *cc. Stemple v. QC Holdings, Inc.*, 12-cv-01997-BAS-WVG (S.D. Cal. Nov. 7,  
24          2016) (finally approved for \$1,500,000);
- 25          *dd. Abdeljalil v. GE Capital Retail Bank*, 12-cv-02078-JAH-MDD (S.D. al.)  
26          (Class Certification granted and finally approved for \$7,000,000);



1 ee. *Couser v. Apria Healthcare, Inc. et al.*, 13-cv-00035-JVS-RNB (C.D. Cal.  
2 Oct. 27, 2014) (Finally approved on March 9, 2015 and served as co-lead  
3 counsel);

4 ff. *Fox v. Asset Acceptance, LLC*, 14-cv-00734-GW-FFM (C.D. Cal. July 1,  
5 2016) (finally approved TCPA class action for \$1,000,000; \$200,000 cash  
6 and \$800,000 debt relief);

7 gg. *Hooker v. Sirius XM Radio Inc.*, 4:13-cv-00003-AWA-LRL (E.D.Va.  
8 December 22, 2016) (Served as co-lead counsel in finally approved TCPA  
9 class action settlement with a monetary fund of \$35,000,000; ruling on fee  
10 petition is pending);

11 hh. *Caldera v. Am. Med. Collection Agency*, 2017 U.S. Dist. LEXIS 99239  
12 (C.D. Cal. June 27, 2017) (Order certifying nationwide TCPA class  
13 action);

14 ii. *Burkhammer v. Allied Interstate, LLC*, 2017 Cal. Super. LEXIS 109 (Sup.  
15 Ct. San Luis Obispo) (RFDCPA class action finally approved on October  
16 30, 2017);

17 jj. *Moreno-Peralta v. TRS Recovery Services, Inc.*, 2017 Cal. Super. LEXIS  
18 548 (Sup. Ct. San Luis Obispo Oct. 10, 2017) (RFDCPA class action  
19 preliminarily approved);

20 kk. *Maxin v. RHG & Company, Inc.*, 2017 U.S. Dist. LEXIS 27374 (S.D. Cal.  
21 Feb. 27, 2017) (Supplement Misrepresentation class action preliminarily  
22 approved on February 27, 2017);

23 ll. *Giffin v Universal Protein Supplements Corporation*, (Los Angeles  
24 Superior Court), BC613414 (Supplement Misrepresentation class action  
25 preliminarily approved on December 28, 2016); and,

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*mm. Luster v. Wells Fargo Dealer Services, Inc.*, 15-cv-1058 (TWT) (N.D. Ga. November 8, 2017) (TCPA class action finally approved in the amount of \$14,834,058.00); and, *nn. McPolin v. Credit Service of Logan*, 16-cv-116 BSJ (Utah District Court) (FDCPA class action with consumers to each receive \$1,428.57, debt relief, and tradeline deletion finally approved on November 9, 2017).

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

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

16. On December 6, 2016, I argued before the Ninth Circuit Court of Appeals in the case of *Marks v. Crunch San Diego, LLC*, No. 14-56834.

17. I argued before the Ninth Circuit Court of Appeals on April 7, 2017 which resulted in a reversal in favor of the consumer in *Afewerki v. Anaya Law Grp.*, 868 F.3d 771 (9th Cir. Aug. 18, 2017).

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

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

19. I have undergone extensive training in the area of consumer law and the Telephone Consumer Protection Act. The following is a list of recent training conferences I attended:

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- 1 a. Four-day National Consumer Law Center Conference; Nashville, TN –
- 2 2008;
- 3 b. Three-day National Consumer Law Center Conference; Portland, OR -
- 4 2008;
- 5 c. Three-day National Consumer Law Center Conference; San Diego, CA -
- 6 2009;
- 7 d. Three-day National Consumer Law Center Conference; Seattle, WA -
- 8 2011;
- 9 e. National Consumer Law Center Conference in 2013;
- 10 f. National Consumer Law Center Conference in 2014;
- 11 g. National Consumer Law Center Conference in 2015;
- 12 h. National Consumer Law Center Conference in 2016;
- 13 i. Three-day CAALA Conference; Las Vegas, NV – 2009;
- 14 j. Three-day CAALA Conference; Las Vegas, NV – 2013;
- 15 k. Three-day CAALA Conference; Las Vegas, NV – 2015;
- 16 l. Three-day CAALA Conference; Las Vegas, NV – 2016;
- 17 m. Three-day CAOC Conference – 2014 and 2015;
- 18 n. Speaker at ABA National Conference, Business Litigation Section; Trends
- 19 in Consumer Litigation; San Francisco, CA – 2013;
- 20 o. Speaker at the ABA TCPA National Webinar (Consumer Protection,
- 21 Privacy & Information Security, Private Advertising Litigation, and Media
- 22 & Technology Committees) – September 2013;
- 23 p. Spoke at the 2014 ACA Conference in November 2014;
- 24 q. Speaker at ACI Conference in Dallas, TX in September of 2016
- 25 concerning The Borrower's Perspective: Insight From The Plaintiffs' Bar
- 26 and Consumer Advocates;

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- 1 r. Speaker on TCPA panel in September of 2016 at the Annual Consumer  
2 Financial Services Conference;  
3 s. Spoke at the 2016 CAOC Conference in November of 2016; and,  
4 t. Due to speak on Deposition Technology at 2017 CAOC Conference in San  
5 Francisco on November 17, 2017.

6 20. As one of the main plaintiff litigators of consumer rights cases in the Central  
7 District of California, I have been requested to and have made regular  
8 presentations to community organizations regarding debt collection laws and  
9 consumer rights, including the Telephone Consumer Protection Act  
10 (“TCPA”). These organizations include Whittier Law School, Iranian  
11 American Bar Association, Trinity School of Law and Chapman Law School,  
12 University of California, Irvine, and California Western School of Law.

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

16 22. I was named Rising Star by San Diego Daily Tribune in 2012, and Rising  
17 Star in Super Lawyers Magazine in 2013, 2014 and 2015. I was named a  
18 Super Lawyer by Super Lawyers Magazine in 2016 and 2017.

19 23. I was selected for membership into The National Trial Lawyers: Top 40  
20 Under 40 in 2016; and, 2017.

21 24. I was a panelist in a webinar, ABA Telephonic Brown Bag re: TCPA, on  
22 August 25, 2015.

23 25. I lectured in Class Action Trends at the CAOC 2015 Conference in San  
24 Francisco, California.

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1 26. In January of 2016, I spoke on the impact of the Federal Communications  
2 Comission’s 2015 Declaratory Ruling on TCPA litigation at the ABA  
3 National Convention in Salt Lake City, Utah.

4 27. In May of 2016, I spoke on Class Action Trends at the CAOC seminar in  
5 Palm Springs, California.

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

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

12 30. I was published in the Daily Journal in September of 2016, with the title,  
13 “The FDCPA: The Forgotten Statute.”

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

16 32. In March of 2016, I moderated the Judges Panel on Class Action Trends and  
17 Federal Litigation Trends at the NCLC Conference.

18 33. In September of 2017, I was published in Plaintiff magazine in an article  
19 entitled, “Collateral damage: Beyond the personal injury: When creditors and  
20 collection agencies stalk your client.”

21 34. I spoke on privacy rights on a panel before the California State Bar  
22 Convention in 2016.

23 35. I spoke at the 22<sup>nd</sup> National Forum on Residential Mortgage Litigation &  
24 Regulatory Enforcement conference on January 22, 2017.

25 36. I am a member in good standing of the following local and national  
26 associations:

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- 1 a. Consumer Attorneys Association of Los Angeles;
- 2 b. The Orange County Bar Association;
- 3 c. Twice served as former President of the Orange County Chapter of the
- 4 Iranian American Bar Association;
- 5 d. Member of the Orange County Trial Lawyers Association;
- 6 e. Member in good standing of National Association of Consumer
- 7 Advocates;
- 8 f. Board Member of Consumer Attorneys of California;
- 9 g. Member of the Federal Bar Association;
- 10 h. Member of the Leading Forum of the American Association of Justice;
- 11 i. Member of the American Bar Association;
- 12 j. Member of San Diego Consumer Attorneys; and,
- 13 k. Member of the Western Trial Lawyers Association.

14 37. In addition to my class action experience, I have experience in commercial  
15 litigation and large-scale products liability litigation including a \$2.5 million  
16 dollar settlement in *Mei Lu Hwei, et al v. American Honda Motor Co., Inc.*, et  
17 al. (Case No. BC401211 in Superior Court of California for County of Los  
18 Angeles).

19 38. I have regularly litigated cases in state and federal courts, and have reached  
20 numerous confidential seven-figure settlements against internationally known  
21 companies.

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39. Based upon the above, I believe my experience in litigating class actions and my years in practice are sufficient to justify my firm's appointment as class counsel in this case.

I declare under the penalty and perjury under the laws of the United States of America as well as the State of California, that the foregoing is true and correct.

Date: November 13, 2017

BY: /s/ Abbas Kazerounian  
ABBAS KAZEROUNIAN, ESQ.

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