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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
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Case No.: CV16-1266 JLS (KESx)

**DECLARATION OF MATTHEW
M. LOKER 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

DECLARATION OF MATTHEW M. LOKER, ESQ.

I, MATTHEW M. LOKER declare:

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 a member in good standing of the bars of the States of California; Texas; and, Washington.
4. I have litigated cases in both state and federal courts in Arizona, California, Colorado, Florida, Minnesota, Missouri, Nevada, Ohio, South Carolina, Tennessee and Utah as well as the Ninth Circuit Court of Appeals and California Appellate Courts.
5. If called as a witness, I would competently testify to the matters herein from personal knowledge.
6. The declaration is based upon my personal knowledge, except where expressly noted otherwise.
7. There is pending in the United States District Court, Central District of California, a civil action entitled, *Calderon, et al. v. The Wolf Firm, A Law Corporation*, Case No.: CV16-1266 JLS (KESx).
8. The Parties have engaged in thorough investigation followed by settlement discussions and negotiations regarding this Action.
9. Through this process and Parties’ representations to each other, the Parties believe that they are fully apprised of the relative strengths and weaknesses of each other’s claims and defenses and the potential risk to each party of pursuing further litigation in this matter.

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10. As part of the Settlement Agreement, Defendants agreed to the following:

- a. The Wolf Firm will pay a non-reversionary “all in” cash Settlement sum in the total amount of \$68,000.00.
- b. Class Members who do not opt out will receive a pro rata share of the Settlement Fund of \$1,785.24 available to the class.
- c. The Wolf Firm shall pay from outside the Settlement Fund the maximum total of \$2,000.00 to the Calderons an Incentive Payment for bringing and participating in this action.
- d. The Defendants shall pay from the Settlement Fund to Class Counsel the maximum sum of \$56,414.76 as attorneys’ fees and litigation costs incurred in litigating this action, in the manner specified in the Settlement Agreement. As stated in the Settlement Agreement and Release, the amount of attorneys’ fees and costs received by Class counsel is to be determined by this Court following a Motion by Class counsel.
- e. Notice costs as well as the costs of administration will be paid with the remaining funds.

11. I contend that this class as defined satisfies the Preliminary Approval requirements of the Federal Rules of Civil Procedure because all members of the Class received a form written communication from the Wolf Firm that contained the same defect.

CLASS DEFINITION

12. The Settlement Class is defined as follows:

National Class. All persons with addresses within the U.S. who received an initial demand letter from Defendant from July 8, 2015 to the date of the entry of the Preliminary Approval of Settlement and Notice Order,

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1 Subclass. All persons with addresses within the State of California
2 who received an initial demand letter from Defendant from July 8,
3 2015 to the date of the entry of the Preliminary Approval of
4 Settlement and Notice Order.

5 13. This matter should be certified as a Class action to assist in the expeditious
6 litigation of this matter.

7 14. All class members that do not opt out will receive payment from the Settlement
8 Fund.

9 15. Class Members will receive notice of this class action via direct mail notice.
10 Thereafter, class members may obtain further information regarding the Class
11 Settlement by contacting the claims administrator telephonically, visiting the
12 settlement website or visiting Class Counsel's website, www.kazlg.com.

13 16. After the Court enters an order granting the Motion for Preliminary Approval of
14 Settlement, the Claims Administrator will initiate the notice process. The
15 Claims Administrator specializes in providing administrative services in class
16 action litigation, and has extensive experience in administering consumer
17 protection and privacy class action settlements.

18 17. Taking into account the burdens, uncertainty and risks inherent in this litigation,
19 Calderons' counsel have concluded that further prosecution of this action could
20 be protracted, unduly burdensome, and expensive, and that it is desirable, fair,
21 and beneficial to the class that the action now be fully and finally compromised,
22 settled and terminated in the manner and upon the terms and conditions set forth
23 in the Settlement Agreement.

24 18. Calderons and Calderons' counsel believe that the claims asserted in the Action
25 have merit. However, taking into account the risks of continued litigation, as
26 well as the delays and uncertainties inherent in such litigation including the
27 risks in class certification, and any subsequent appeal, they believe that it is

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desirable that the Action be fully and finally compromised, settled and terminated now with prejudice, and forever barred pursuant to the terms and conditions set forth in the Settlement Agreement. We have concluded that with the Settlement Fund and with the deterrent effects of the Settlement, we believe the terms and conditions of the Settlement Agreement are fair, reasonable and adequate to the proposed class, and that it is in the best interests of the proposed class to settle the Action.

19. A settlement was finalized, agreed upon by all Parties and counsel and a formal Settlement Agreement was executed. This unopposed submission for Preliminary Approval and Class Certification followed.

20. The Class will provide a global release to the Released Parties as outlined in the Settlement Agreement.

CLASS COUNSEL’S EXPERIENCE

21. Kazerouni Law Group, APC; and, Hyde & Swigart seek to be confirmed as class counsel for purposes of this action and proceeding with the settlement.

22. Since my admission to the State Bar of California in 2011, I have been engaged exclusively in the area of consumer rights litigation, primarily in the area of fair debt collections, the defense of debt collection lawsuits, class action litigation under the Telephone Consumer Protection Act, California’s invasion of privacy statutes pursuant to Penal Code § 630, *et seq.*, and false advertising actions concerning consumer products.

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

23. 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:

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- a. *Knell, et al. v. FIA Card Services, N.A.*, 13-CV-01653-AJB-WVG (S.D. Cal.) (California class action settlement under Penal Code 632 et seq., for claims of invasion of privacy. Settlement resulted in a common fund in the amount of \$2,750,000; finally approved in August 15, 2014);
- b. *Hoffman v. Bank of America Corporation*, 12-CV-00539-JAH-DHB (S.D. Cal.) (California class action settlement under Penal Code 632 et seq., for claims of invasion of privacy. Settlement resulted in a common fund in the amount of \$2,600,000; finally approved on November 6, 2014 and served as co-lead counsel);
- c. *Couser v. Comenity Bank*, 12-cv-02484-MMA-BGS (S.D. Cal. Oc. 2, 2014) (Finally approved for \$8,475,000 on May 27, 2015 as served as co-lead counsel);
- d. *Zaw v. Nelnet, Inc.*, C 13-5788 RS (N.D. Cal.) (California class action settlement under Penal Code 632 et seq., for claims of invasion of privacy. Settlement resulted in a common fund in the amount of \$1,188,110.00; finally approved on November 14, 2014);
- e. *Couser v. Apria Healthcare, Inc. et al.*, 13-cv-00035-JVS-RNB (C.D. Cal. Oct. 27, 2014) (Finally approved on March 9, 2015 and served as co-lead counsel);
- f. *Macias v. Water & Power Community Credit Union*, BC515936 (Los Angeles Superior Court) (Class certification granted under the Rosenthal Fair Debt Collection Practices Act; class action settlement finally approved on April 21, 2016);
- g. *Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles) (finally approved for \$5,600,000);

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- 1 h. *Caldera v. Am. Med. Collection Agency*, 2017 U.S. Dist. LEXIS 99239
- 2 (C.D. Cal. June 27, 2017) (Order certifying nationwide TCPA class
- 3 action);
- 4 i. *Reid v. I.C. System Incorporated*, CV-12-2661 PHX ROS (Arizona
- 5 District Court) (\$3,500,000.00 TCPA Class Settlement Preliminarily
- 6 Approved on March 24, 2017);
- 7 j. *Burkhammer v. Allied Interstate, LLC*, 2017 Cal. Super. LEXIS 109
- 8 (Sup. Ct. San Luis Obispo) (RFDCPA class action finally approved on
- 9 October 30, 2017);
- 10 k. *Maxin v. RHG & Company, Inc.*, 2017 U.S. Dist. LEXIS 27374 (S.D.
- 11 Cal. Feb. 27, 2017) (Supplement Misrepresentation class action
- 12 preliminarily approved on February 27, 2017);
- 13 l. *Giffin v Universal Protein Supplements Corporation*, (Los Angeles
- 14 Superior Court), BC613414 (Supplement Misrepresentation class action
- 15 preliminarily approved on December 28, 2016); and,
- 16 m. *Moreno-Peralta v. TRS Recovery Services, Inc.*, 2017 Cal. Super. LEXIS
- 17 548 (Sup. Ct. San Luis Obispo Oct. 10, 2017) (RFDCPA class action
- 18 preliminarily approved); and,
- 19 n. *McPolin v. Credit Service of Logan*, 16-cv-116 BSJ (Utah District Court)
- 20 (FDCPA class action with consumers to each receive \$1,428.57, debt
- 21 relief, and tradeline deletion finally approved on November 9, 2017).

22 24. Many of the cases listed above, which have settled, resulted in the creation of

23 combined common funds and/or distribution to class member in the hundreds of

24 millions of dollars. The outstanding results mentioned above are a direct result

25 of the diligence and tenacity shown by Kazerouni Law Group, APC and myself,

26 in successfully prosecuting complex class actions.

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

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

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

- a. National Association of Consumer Advocates;
- b. Orange County Bar Association;
- c. San Luis Obispo Bar Association;
- d. California Attorneys Association of Los Angeles;
- e. Consumer Attorneys of California; and,
- f. Consumer Financial Services Committee with the State Bar of California.

27.I have been requested to, and have made, regular presentations to community organizations regarding debt collection laws.

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

29.I also presented an ethics discussion before the Central Coast Paralegal Association in 2013.

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

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

32.I have been invited to speak at Business Networking International meetings on multiple occasions.

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

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

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

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

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

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

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

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

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

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

43.I was invited to and spoke at the 88th Annual California State Bar Association Meeting. Said discussion was entitled “Debt Collection in the Age of Technology and the CFPB.”

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

45.I was named as a Lawyer of Distinction for 2017.

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

47.I am the co-Chair of programming for the Consumer Financial Services Committee with the State Bar of California.

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

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

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

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

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

53.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.

EXHIBITS

54.Attached hereto as Exhibit 1 is the Settlement Agreement and Release.

55.Attached to the Settlement Agreement as Exhibit 1A is the proposed Order Granting Preliminary Approval.

