

SAN LUIS OBISPO SUPERIOR COURT
BY: *A. Mejia*
Deputy Clerk
A. Mejia

KAZEROUNI LAW GROUP, APC
Abbas Kazerounian, Esq. (SBN: 249203)
ak@kazlg.com
Matthew M. Loker, Esq. (SBN: 279939)
ml@kazlg.com
1303 East Grand Avenue, Suite 101
Arroyo Grande, CA 93420
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

HYDE & SWIGART
Joshua B. Swigart, Esq. (SBN: 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,
Rosa Moreno-Peralta

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO – CIVIL COURT OPERATIONS –
UNLIMITED**

**ROSA MORENO-PERALTA,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

**TRS RECOVERY SERVICES,
INC.; AND, DOES 1-20,
INCLUSIVE,**

Defendant.

Case No.: 15CV-0481

**DECLARATION OF ABBAS
KAZEROUNIAN IN SUPPORT OF
PLAINTIFF ROSA MORENO-
PERALTA’S MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

DATE: October 12, 2017

TIME: 9:00 a.m.

DPT: 2

HON. BARRY T. LABARBERA

KAZEROUNI LAW GROUP, APC
1303 EAST GRAND AVENUE, SUITE 101
ARROYO GRANDE, CA 93420

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF ABBAS KAZEROUNIAN, ESQ.

I, ABBAS KAZEROUNIAN declare:

1. I am one of the attorneys for the Plaintiff ROSA MORENO-PERALTA (“Moreno-Peralta”) 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 TRS RECOVERY SERVICES, INC. (“TRS”).
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 by reference the discussion regarding the adequacy of this settlement from the Declaration of Matthew M. Loker.

CLASS COUNSEL’S EXPERIENCE

7. Kazerouni Law Group, APC; and, Hyde & Swigart seek to be confirmed as class counsel for purposes of this action and proceeding with the settlement.
8. Since my admission to the California bar in 2007, 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, under Penal Code § 630 et seq. and California’s unfair business statutes under Cal. Civ. Code § 17200 et seq. and § 17500 et seq.
9. My firm, Kazerouni Law Group, APC, in which I am a principal, has litigated over 1000 individual consumer cases and over 500 consumer class actions. These class actions were litigated in federal courts in Arizona, California, Washington,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Ohio, Nevada, New Jersey, New York, Minnesota, Missouri, Tennessee, Illinois and Texas, as well as California State Courts. Approximately 95% percent of my practice concerns consumer litigation in general. My firm has six offices in Orange County, San Luis Obispo, Phoenix, Dallas, Las Vegas, and Oakland. Kazerouni Law Group, APC has extensive experience in consumer class actions and other complex litigation. My firm has a history of aggressive, successful prosecution of consumer class actions.

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

10. Kazerouni Law Group, APC has extensive experience in other consumer related issues, including the Telephone Consumer Protection Act, the Fair Debt Collection Practices Act and other related consumer statutes. A brief summary of a non-exhaustive list of notable published decisions are as follows:

- a. *Franklin v. Wells Fargo, N.A.*, No. 14-cv-2349-MMA-BGS (S.D. Cal.) (approved for \$14,550,198);
- b. *Knell v. FIA Card Services, N.A.*, 12-cv-426 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 by Court;
- c. *Knutson v. Schwan’s Home Service, Inc. et al.*, 3:12-cv-00418-AJB-DHB (S.D. Cal.) (finally approved for \$2,535,280);
- 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;

- 1 e. *Malta, et al. v. Wells Fargo Home Mortgage, et al.*, 10-CV-1290 IEG
2 (BLM) (Served as co-lead counsel for a settlement class of borrowers in
3 connection with residential or automotive loans and violations of the
4 TCPA in attempts to collect on those accounts; obtained a common
5 settlement fund in the amount of \$17,100,000; final approval in 2013);
- 6 f. *Conner v. JPMorgan Chase Bank, et al.*, 10-CV-1284-DMS (BGS) (S.D.
7 Cal.) (finally approved for \$11,973,558);
- 8 g. *In Re: Midland Credit Management, Inc., Telephone Consumer Protection*
9 *Act Litigation*, 11-md-2286 MMA (MDD) (S.D. Cal.) (Counsel for a
10 Plaintiff in the lead action, prior to the action being recategorized through
11 the multi-district litigation process; preliminarily approved for
12 \$18,000,000);
- 13 h. *In Re: Portfolio Recovery Associates, LLC Telephone Consumer*
14 *Protection Act Litigation*, 11-md-02295-JAH (BGS) (Counsel for a
15 Plaintiff in the lead action, prior to the action being re-categorized through
16 the multi-district litigation process; still actively involved in the MDL
17 litigation and settlement process; preliminarily approved for \$18,000,000);
- 18 i. *Arthur v. SLM Corporation*, 10-CV-00198 JLR (W.D. Wash.) (nationwide
19 settlement achieving the then-largest monetary settlement in the history of
20 the TCPA: \$24.15; final approval granted in 2012)
- 21 j. *Lo v. Oxnard European Motors, LLC, et al.*, 11-CV-1009-JLS-MDD (S.D.
22 Cal.) (achieving one of the highest class member payouts in a TCPA action
23 of \$1,331.25; final approval granted in 2012);
- 24 k. *Sarabri v. Weltman, Weinberg & Reis Co., L.P.A.*, 10-01777-AJB-NLS
25 (S.D. Cal.) (approved as co-lead counsel and worked to obtain a national
26
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- TCPA class settlement where claiming class members each received payment in the amount of \$70.00; final approval granted in 2013);
- l. *Barani v. Wells Fargo Bank, N.A.*, 12-CV-02999-GPC-KSC (S.D. Cal.) (Class action settlement under the TCPA for the sending of unauthorized text messages to non-account holders in connection to wire transfers; finally approved for more than \$1,000,000)
 - m. *Sherman v. Yahoo!, Inc.*, 2014 U.S. Dist. LEXIS 13286; 13-CV-0041-GPC-WVG (S.D. Cal.) (TCPA class action where Defendant’s motion for summary judgment was denied holding that a single call or text message with the use of an ATDS may be actionable under the TCPA).
 - n. *Olney v. Progressive Casualty Insurance Company*, 2014 U.S. Dist. LEXIS 9146 (S.D. Cal.); 13-CV-2058-GPC-NLS (Defendant’s motion to dismiss or in the alternative to strike the class allegations was denied finding that debt collection calls were not exempt from coverage under the TCPA);
 - o. *Iniguez v. The CBE Group, Inc.*, 2013 U.S. Dist. LEXIS 127066 (E.D. Cal.); 13-CV-00843-JAM-AC (the court denying Defendant’s motion to dismiss and to strike class allegations holding that the TCPA applies to any call made to a cellular telephone with an ATDS);
 - p. *Mills v. HSBC Bank Nevada, N.A.*, Case No. 12-CV-04010-SI (N.D. Cal.) (TCPA class action, settled and finally approved for \$39,975,000);
 - q. *In Re Jiffy Lube International, Inc.*, MDL No. 2261 [Finally approved for \$47,000,000.00];
 - r. *Sherman v. Kaiser Foundation Health Plan, Inc.*, 13-CV-0981-JAH (JMA) (S.D. Cal.) (Finally approved for \$5,350,000);

- 1 s. *Hoffman v. Bank of America*, 12-cv-539 JAH (DHB) (S.D. Cal.)
2 (California class action settlement under Penal Code 632 et seq., for claims
3 of invasion of privacy. Settlement resulted in a common fund in the
4 amount of \$2,600,000; finally approved by Court;
- 5 t. *Couser v. Comenity Bank*, No. (S.D. Cal.) (finally approved TCPA class
6 action with common fund of \$8,475,000);
- 7 u. *Lemieux v. EZ Lube, Inc.*, 12-cv-1791 BAS (JLB) (S.D. Cal.) (Class
8 settlement finally for \$479,364 approved and Kazerouni Law Group, APC
9 appointed as class counsel)
- 10 v. *Newman v. Americredit Financial Services, Inc.*, 11-cv-3041 DMS (BLM)
11 (S.D. Cal.) (TCPA Class settlement in the amount of \$8,500,000.00 finally
12 approved).
- 13 w. *Martin v. Wells Fargo Bank, N.A.*, 12-CV-06030-SI (N.D. Cal.);
- 14 x. *Heinrichs v. Wells Fargo Bank, N.A.*, 13-CV-05434-WHA (N.D. Cal.);
- 15 y. *Newman v. ER Solutions, Inc.*, 11-CV-0592 H (BGS);
- 16 z. *Ridley v. Union Bank, N.A.*, 11-CV-1773 DMS (NLS) (S.D. Cal.);
- 17 aa. *Ryabyshchuk v. Citibank (South Dakota) N.A.*, et al, 11-CV-1236-IEG
18 (WVG);
- 19 bb. *Olney v. Job.com, Inc. et al.*, No. 12-cv-01724-LJO-SKO (E.D. Cal.);
- 20 cc. *Montoya v. SLM Corp. et al.*, No. 4:14-cv-00287 (N.D. Cal.);
- 21 dd. *Rose v. Bank of Am. Corp.*, No. 11-cv-02390-EJD (N.D. Cal.) (finally
22 approved for \$32,000,000);
- 23 ee. *Abdeljalil v GE Capital Retail Bank*, 12-cv-02078-JAH-MDD (S.D. Cal.)
24 (Class Certification granted and preliminarily approved for \$7,000,000);
- 25 ff. *Barrett v. Wesley Financial Group, LLC*, 13-cv-00554-LAB-KSC (S.D.
26 Cal.) (Class certification granted);
- 27

- 1 gg. *Gehrich v. Chase Bank, N.A.*, 12-cv-5510 (N.D. Cal.) (finally approved for
2 \$34,000,000);
- 3 hh. *Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles)
4 (finally approved for \$5,600,000);
- 5 ii. *Maxin v. RHG & Company, Inc.*, 16-cv-2625 JLS (BLM) (S.D. Cal.)
6 (Supplement Misrepresentation class action preliminarily approved on
7 February 27, 2017);
- 8 jj. *McPolin v. Credit Service of Logan*, 16-cv-116 BSJ (Utah District Court)
9 (FDCPA class action preliminarily approved on February 28, 2017);
- 10 kk. *Burkhammer v. Allied Interstate, LLC*, 15cv-567 (Sup. Ct. San Luis
11 Obispo) (RFDCPA class action preliminarily approved on May 17, 2017);
12 and,
- 13 ll. *Caldera v. Am. Med. Collection Agency*, 2017 U.S. Dist. LEXIS 99239
14 (C.D. Cal. June 27, 2017) (Order certifying nationwide TCPA class
15 action).

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

18 11. I have undergone extensive training in the area of consumer law. The following
19 is a list of recent training conferences I attended:

- 20 a. Four-day National Consumer Law Center Conference; Nashville, TN -
21 2008;
- 22 b. Three-day National Consumer Law Center Conference; Portland, OR -
23 2008;
- 24 c. Three-day National Consumer Law Center Conference; San Diego, CA -
25 2009;
- 26
- 27

- 1 d. Three-day National Consumer Law Center Conference; Seattle, WA -
- 2 2011;
- 3 e. Three-day CAALA Conference; Las Vegas, NV – 2009;
- 4 f. Three-day CAALA Conference; Las Vegas, NV – 2013;
- 5 g. Three-day CAALA Conference; Las Vegas, NV – 2014;
- 6 h. Speaker for webinar re First Look at the FCC’s TCPA Declaratory Rulings;
- 7 July 2015;
- 8 i. Speaker at the ABA National Conference, Business Litigation Section;
- 9 Trends in Consumer Litigation; San Francisco, CA – 2013; and
- 10 j. Speaker at the ABA TCPA National Webinar (Consumer Protection,
- 11 Privacy & Information Security, Private Advertising Litigation, and Media
- 12 & Technology Committees) – September 2013.
- 13 k. Speaker at the 2014 ACA Conference in November 2014.
- 14 l. January 2016, speaker ABA National Conference regarding Consumer
- 15 Financial Service Committee on Impact of FCC’s Declaratory Ruling on
- 16 the Telephone Consumer Protection Act.
- 17 m. September 2016, speaker at the ACI Conference in Dallas - The Borrower's
- 18 Perspective: Insight From The Plaintiffs' Bar and Consumer Advocates.
- 19 n. September 2016, speaker at the Annual Consumer Financial Services
- 20 Conference - TCPA Panel
- 21 o. June 2017, speaker at Consumer Attorneys of California Tahoe Seminar,
- 22 Hot Topics in Litigation.

23 12. As one of the main plaintiff litigators of consumer rights cases in Southern
24 California, I have been requested to and have made regular presentations to
25 community organizations regarding debt collection laws and consumer rights.
26 These organizations include Whittier Law School, Iranian American Bar
27

1 Association, Trinity School of Law and Chapman Law School, University of
2 Southern California, Irvine, and California Western School of Law. I was the
3 principle anchor on Time Television Broadcasting every Monday night, as a
4 consultant on consumer law for over a year in 2012.

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

7 14. I have been named Rising Star by San Diego Daily Tribune in 2012, and Rising
8 Star in Super Lawyers Magazine in 2013, 2014 and 2015. I have been nominated
9 for Rising Star in Super Lawyers Magazine in 2016. I have also been listed on
10 The National Trial Lawyers Top 40 Under 40 in 2016.

11 15. I was a panelist in a webinar, ABA Telephonic Brown Bag re: TCPA, on August
12 25, 2015.

13 16. I lectured in Class Action Trends at the CAOC 2015 Conference in San
14 Francisco.

15 17. In January of 2016, I spoke on the impact of the Federal Communications
16 Commission's 2015 Declaratory Ruling on TCPA litigation at the ABA National
17 Convention in Salt Lake City, Utah.

18 18. I am a member in good standing of the following local and national
19 associations:

- 20 a. National Association of Consumer Advocates;
- 21 b. Federal Bar Association;
- 22 c. American Association for Justice;
- 23 d. Orange County Bar Association;
- 24 e. California Attorneys Association of Los Angeles;
- 25 f. Iranian American Bar Association (President for 2008 and 2009);
- 26 g. Consumer Attorneys of California (Member of Board of Governors).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

19. In addition to my class action experience, I have experience in commercial litigation and large-scale products liability litigation including a \$2.5 million dollar settlement in *Mei Lu Hwei, et al v. American Honda Motor Co., Inc.*, et al. (Case No. BC401211 in Superior Court of California for County of Los Angeles). I have regularly litigated cases in state and federal courts, and have reached numerous confidential seven-figure settlements against internationally known companies.
20. Therefore, 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 penalty of perjury under the laws of the United States and of the State of California that the foregoing is true and correct, and that this declaration was executed on August 14, 2017.

By: 
ABBAS KAZEROUNIAN, ESQ.