

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

Frederick Luster, *on behalf of himself  
and all others similarly situated,*

Plaintiff,

v.

Wells Fargo Dealer Services, Inc.

Defendant.

No. 1:15-cv-1058-TWT

**DECLARATION OF MICHAEL L. GREENWALD IN SUPPORT OF  
CLASS COUNSEL’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES,  
COSTS, AND SERVICE AWARD FOR CLASS REPRESENTATIVE<sup>1</sup>**

Pursuant to 28 U.S.C. § 1746, I declare as follows:

1. My name is Michael L. Greenwald.
2. I am over twenty-one years of age.
3. I am fully competent to make the statements included in this declaration.
4. I have personal knowledge of the statements included in this

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<sup>1</sup> This declaration was unintentionally omitted as an exhibit to Memorandum in Support of Class Counsel’s Motion for an Award of Attorneys’ Fees, Costs, and Service Award for Class Representative, Dkt. No. 70-1. There should also be citation to this Declaration, ¶¶ 10-14, 21 & 27, as part of the string of declaration cites on pages 19-20 of 70-1.

declaration.

5. I am a partner at Greenwald Davidson Radbil PLLC (“GDR”).
6. I am counsel for the plaintiff and class in this matter.
7. GDR, which focuses on consumer protection class action litigation, maintains offices in Boca Raton, Florida and Austin, Texas.
8. I have been admitted *pro hac vice* in this case.
9. I respectfully submit this declaration in support of Class Counsel’s Motion for an Award of Attorneys’ Fees, Costs, and Service Award for Class Representative.

### **GDR**

10. GDR has been appointed class counsel in a number of class actions under the Telephone Consumer Protection Act (“TCPA”), including:

- *Johnson v. Navient Solutions, Inc., f/k/a Sallie Mae, Inc.*, No. 1:15-cv-0716-LJM (S.D. Ind. July 13, 2017); *Johnson v. Navient Solutions, Inc.*, 315 F.R.D. 501 (S.D. Ind. 2016);
- *Toure and Heard v. Navient Solutions, Inc., f/k/a Sallie Mae, Inc.*, No. 1:17-cv-00071-LJM-TAB (S.D. Ind. July 13, 2017);
- *James v. JPMorgan Chase Bank, N.A.*, No. 8:15-cv-2424-T-23JSS, 2017 WL 2472499 (M.D. Fla. June 5, 2017);
- *Schwyhart v. AmSher Collection Servs., Inc.*, No. 2:15-cv-1175-JEO, 2017 WL 1034201 (N.D. Ala. Mar. 16, 2017);

- *Prather v. Wells Fargo Bank, N.A.*, No. 1:15-cv-04231-SCJ, 2017 WL 770132 (N.D. Ga. Feb. 24, 2017);
- *Cross v. Wells Fargo Bank, N.A.*, No. 2:15-cv-01270-RWS, 2016 WL 5109533 (N.D. Ga. Sept. 13, 2016);
- *Markos v. Wells Fargo Bank, N.A.*, No. 15-1156, 2016 WL 4708028 (N.D. Ga. Sept. 7, 2016);
- *Prater v. Medicredit, Inc.*, No. 14-00159, 2015 WL 8331602 (E.D. Mo. Dec. 7, 2015);
- *Jones v. I.Q. Data Int'l, Inc.*, No. 1:14-cv-00130-PJK-GBW, 2015 WL 5704016 (D.N.M. Sept. 23, 2015); and
- *Ritchie v. Van Ru Credit Corp.*, No. 2:12-CV-01714-PHX-SM, 2014 WL 3955268 (D. Ariz. Aug. 13, 2014).

11. GDR also has been appointed class counsel in more than two dozen class actions brought under consumer protection statutes other than the TCPA in the past three years, including, for example:

- *Johnston v. Kass Shuler, P.A.*, No. 8:16-cv-03390-SDM-AEP, 2017 WL 1231070 (M.D. Fla. Mar. 29, 2017);
- *Jallo v. Resurgent Capital Servs., L.P.*, No. 4:14-cv-00449, 2017 WL 914291 (E.D. Tex. Mar. 7, 2017);
- *Macy v. GC Servs. Ltd. P'ship.*, No. 3:15-cv-00819-DJH-CHL, 2017 WL 489420 (W.D. Ky. Feb. 6, 2017);
- *Rhodes v. Nat'l Collection Sys., Inc.*, 317 F.R.D. 579 (D. Colo. 2016);
- *McCurdy v. Prof'l. Credit Servs.*, No. 6:15-cv-01498-AA, 2016 WL 5853721 (D. Or. Oct. 3, 2016);

- *Schuchardt v. Law Office of Rory W. Clark*, 314 F.R.D. 673 (N.D. Cal. 2016);
- *Globus v. Pioneer Credit Recovery, Inc.*, No. 15-CV-152V, 2016 WL 4069285 (W.D.N.Y. July 27, 2016);
- *McWilliams v. Advanced Recovery Sys., Inc.*, 310 F.R.D. 337 (S.D. Miss. 2015);
- *Rhodes v. Olson Assocs., P.C., d/b/a Olson Shaner*, 83 F. Supp. 3d 1096 (D. Colo. 2015);
- *Roundtree v. Bush Ross, P.A.*, 304 F.R.D 644 (M.D. Fla. 2015);
- *Donnelly v. EquityExperts.org, LLC*, No. 13-10017, 2015 WL 249522 (E.D. Mich. Jan. 14, 2015); and
- *Sharf v. Fin. Asset Resolution, LLC*, 295 F.R.D. 664 (S.D. Fla. Jan. 16, 2014).

12. Multiple district courts have commented on GDR's useful knowledge and experience in connection with class action litigation.

13. For instance, in *Schwyhart v. AmSher Collection Services, Inc.*, Judge John E. Ott, Chief Magistrate Judge of the Northern District of Alabama, stated upon granting final approval to a TCPA settlement for which he appointed GDR as class counsel:

I cannot reiterate enough how impressed I am with both your handling of the case, both in the Court's presence as well as on the phone conferences, as well as in the written materials submitted. . . . I am very satisfied and I am very pleased with what I have seen in this

case. As a judge, I don't get to say that every time, so that is quite a compliment to you all, and thank you for that.

No. 2:15-cv-1175-JEO (N.D. Ala. Mar. 15, 2017).

14. In *Ritchie v. Van Ru Credit Corp.*, also a TCPA class action, Judge Stephen M McNamee, Senior U.S. District Court Judge for the District of Arizona, stated upon granting final approval of the settlement:

I want to thank all of you. It's been a pleasure. I hope that you will come back and see us at some time in the future. And if you don't, I have a lot of cases I would like to assign you, because you've been immensely helpful both to your clients and to the Court. And that's important. So I want to thank you all very much.

No. CIV-12-1714 (D. Ariz. July 21, 2014).

15. Last month, Judge Carlton W. Reeves of the Southern District of Mississippi described GDR as follows:

More important, frankly, is the skill with which plaintiff's counsel litigated this matter. On that point there is no disagreement. Defense counsel concedes that her opponent—a specialist in the field who has been class counsel in dozens of these matters across the country—'is to be commended for his work' for the class, 'was professional at all times' ..., and used his 'excellent negotiation skills' to achieve a settlement fund greater than that required by the law.

The undersigned concurs ... Counsel's level of experience in handling cases brought under the FDCPA, other consumer protection statutes, and class actions generally cannot be overstated.

*McWilliams v. Advanced Recovery Systems, Inc.*, No. 3:15-CV-70-CWR-LRA, 2017 WL 2625118, at \*3 (S.D. Miss. June 16, 2017).

16. In *Roundtree v. Bush Ross, P.A.*, Judge James D. Whittemore of the Middle District of Florida wrote in certifying three separate classes and appointing GDR class counsel: “Greenwald [Davidson Radbil PLLC] has been appointed as class counsel in a number of actions and thus provides great experience in representing plaintiffs in consumer class actions.” 304 F.R.D. at 661.

17. In *Bellum v. Law Offices of Frederic I. Weinberg & Assocs., P.C.*, Judge C. Darnell Jones II of the Eastern District of Pennsylvania took care to point out that GDR was appointed as class counsel “precisely because of their expertise and ability to represent the class in this matter.” No. 15-2460, 2016 WL 4766079, at \*5 (E.D. Pa. Sept. 13, 2016).

18. Lastly, in *Whitford v. Weber & Olcese, PLC*, Judge Janet T. Neff of the Western District of Michigan stated upon granting final approval of the class action settlement:

I will say this. I think that this has been one of the most efficient and well presented cases of this type that I have seen. I do commend counsel on both sides. I think that your professionalism and your ability to resolve the case in a way that is very transparent, very I think appropriate to the nature of the cause of action, to the number of people in the class has all, it’s just been excellent. And I appreciate it very much.

No. 1:15-cv-400 (Jan. 11, 2016).

19. More information about GDR is available on the firm’s website,

www.gdrllawfirm.com.

**Michael L. Greenwald**

20. I graduated from the University of Virginia in 2001 and Duke University School of Law in 2004.

21. I have extensive experience litigating consumer protection and securities class actions, including class actions brought under the TCPA.

22. I have been appointed class counsel in more than a dozen consumer protection class actions in the past three years. *See* <http://www.gdrllawfirm.com/michael-greenwald> (last visited July 17, 2017).

23. Prior to forming GDR, I spent six years as a litigator at Robbins Geller Rudman & Dowd LLP—the nation’s largest plaintiff’s class action firm. My practice at Robbins Geller focused on complex class actions, including securities and consumer protection litigation.

24. While at Robbins Geller, I served on the litigation teams responsible for the successful prosecution of numerous class actions, including:

- *In re Evergreen Ultra Short Opportunities Fund Secs. Litig.* (D. Mass.);
- *In re Red Hat, Inc. Secs. Litig.* (E.D.N.C.);
- *City of Ann Arbor Empls.’ Ret. Sys. v. Sonoco Prods. Co., et al.* (D.S.C.);
- *Norfolk Cnty. Ret. Sys., et al. v. Ustian* (N.D. Ill.);

- *Romero v. U.S. Unwired, Inc.* (E.D. La.);
- *Lefkoe v. Jos. A. Bank Clothiers, Inc.* (D. Md.); and
- *In re Odimo, Inc. Secs. Litig.* (Fla.) (\$1.25 million).

25. I started my career as an attorney at Holland & Knight LLP.

**Aaron D. Radbil**

26. Aaron D. Radbil, who also is admitted *pro hac vice* in this matter, graduated from the University of Arizona in 2002 and from the University of Miami School of Law in 2006.

27. Mr. Radbil has extensive experience litigating consumer protection class actions, including class actions under the TCPA. *See* <http://www.gdrlawfirm.com/Aaron-Radbil> (last visited July 17, 2017).

28. In addition to Mr. Radbil's experience litigating consumer protection class actions, he has briefed, argued, and prevailed on a variety of issues of significant consumer interest before federal and state courts of appeals, including:

- *Hernandez v. Williams, Zinman & Parham PC*, 829 F.3d 1068 (9th Cir. 2016);
- *Lea v. Buy Direct, L.L.C.*, 755 F.3d 250 (5th Cir. 2014);
- *Payne v. Progressive Fin. Servs., Inc.*, 748 F.3d 605 (5th Cir. 2014);
- *Stout v. FreeScore, LLC*, 743 F.3d 680 (9th Cir. 2014);



- *Yunker v. Allianceone Receivables Mgmt., Inc.*, 701 F.3d 369 (11th Cir. 2012);
- *Guajardo v. GC Servs., LP*, No. 11-20269, 2012 WL 5419505 (5th Cir. Nov. 7, 2012);
- *Sorensen v. Credit Int'l Corp.*, 475 F. App'x 244 (9th Cir. 2012);
- *Ponce v. BCA Fin. Serv., Inc.*, 467 F. App'x 806 (11th Cir. 2012);
- *Mady v. DaimlerChrysler Corp.*, 59 So. 3d 1129 (Fla. 2011);
- *Talley v. U.S. Dep't of Agric.*, 595 F. 3d 754 (7th Cir. 2010), *reh'g en banc granted, opinion vacated* (June 10, 2010), *on rehearing en banc* (September 24, 2010), *decision affirmed*, No. 09-2123, 2010 WL 5887796 (7th Cir. Oct. 1, 2010); and
- *Oppenheim v. I.C. Sys., Inc.*, 627 F. 3d 833 (11th Cir. 2010).

### **James L. Davidson**

29. James L. Davidson graduated from the University of Florida in 2000 and the University of Florida Fredric G. Levin College of Law in 2003.

30. Mr. Davidson has been appointed class counsel in a host of consumer protection class actions. *See* <http://www.gdrllawfirm.com/James-Davidson> (last visited July 17, 2017).

31. Prior to forming GDR, Mr. Davidson spent five years as a litigator at Robbins Geller, where he focused on complex class actions, including securities and consumer protection litigation.

32. While at Robbins Geller, Mr. Davidson served on the litigation teams responsible for the successful prosecution of numerous class actions, including:

- *Local 731 I.B. of T. Excavators and Pavers Pension Trust Fund et al. v. Swanson et al.*;
- *In re Pet Food Prods. Liability Litig.*;
- *In re Mannatech, Inc. Secs. Litig.*;
- *In re Webloyalty, Inc. Mktg. and Sales Practices Litig.*; and
- *In re Navisite Migration Litig.*

**Jesse S. Johnson**

33. Jesse S. Johnson earned his Bachelor of Science degree in Business Administration from the University of Florida, where he graduated magna cum laude in 2005.

34. He earned his Juris Doctor degree with honors from the University of Florida Fredric G. Levin College of Law in 2009, along with his Master of Arts in Business Administration from the University of Florida Hough Graduate School of Business the same year.

35. Mr. Johnson has been appointed class counsel in more than a dozen consumer protection class actions in the past two years. *See* <http://www.gdrlawfirm.com/Jesse-Johnson> (last visited July 17, 2017).

36. Mr. Johnson started his legal career as an associate at Robbins Geller, where he served on the litigation teams responsible for the successful prosecution of numerous class actions, including:

- *Sterling Heights Gen. Emps.’ Ret. Sys. v. Hospira, Inc. et al.*, No. 1:11-cv-08332 (N.D. Ill.);
- *Eshe Fund v. Fifth Third Bancorp*, No. 1:08-cv-00421 (S.D. Ohio);
- *City of St. Clair Shores Gen. Emps.’ Ret. Sys. v. Lender Processing Servs., Inc.*, No. 3:10-cv-01073 (M.D. Fla.); and
- *In re Synovus Fin. Corp.*, No. 1:09-cv-01811 (N.D. Ga.).

#### **Alexander D. Kruzyk**

37. Alexander D. Kruzyk earned his Bachelor of Management and Organizational Studies from the University of Western Ontario in 2011, and earned his Juris Doctor degree with honors from the University of Florida Fredric G. Levin College of Law in 2014.

38. Prior to joining GDR in 2017, Mr. Kruzyk was an associate with Robbins Geller. See <http://www.gdrllawfirm.com/Alexander-Kruzyk> (last visited July 17, 2017).

#### **GDR’s work on this matter**

39. In tandem with co-counsel, GDR attorneys devoted significant time and resources to this case.

40. GDR performed its work on this case on a contingency fee basis.

41. As a result, GDR assumed significant risk by expending time and costs in litigating this action without any guarantee of success.

42. Given the excellent results achieved for class members in this case, I firmly believe that the settlement is fair, reasonable, and adequate, and that the requested attorneys' fees—which are inclusive of costs and expenses—are fair and reasonable.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 2017.

/s/ Michael L. Greenwald  
Michael L. Greenwald