

**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,

Case No.: 1:15-cv-01058-TWT

**DECLARATION OF ABBAS KAZEROUNIAN  
IN SUPPORT OF CLASS COUNSEL'S MOTION FOR AN AWARD OF  
ATTORNEYS' FEES AND COSTS**

**DECLARATION OF ABBAS KAZEROUNIAN**

**I, ABBAS KAZEROUNIAN, declare:**

1. I am one of the attorneys for the plaintiff Frederick Luster (“Plaintiff”) in this action filed against defendant Wells Fargo Dealer Services, Inc. (“Defendant” or “Wells Fargo”). I am over the age of 18 and am fully competent to make this declaration. 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. I am admitted in every federal district in California and have handled federal litigation in the federal districts of California. I am also admitted to the state bar of Texas, Illinois, Washington, Michigan, Colorado, District of Columbia, the Ninth Circuit Court of Appeals, and the Supreme Court of the United States.
2. 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.
3. In this action under the Telephone Consumer Protection Act (“TCPA”), I submit this declaration in support of the Class Counsel’s Motion for and Award of Attorneys’ Fees and Costs.
4. I have been preliminarily approved as Class Counsel for the proposed settlement class.

**CLASS COUNSEL’S EXPERIENCE**

5. 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, and class action litigation under the Telephone Consumer Protection Act, California’s invasion

of privacy statutes, under Penal Code § 630 et seq., and false advertising actions concerning consumer products.

6. My firm, Kazerouni Law Group, APC, in which I am a principal, has litigated over 1000 cases in the past eight years. My firm has six offices in Orange County, California, Oakland, California, San Luis Obispo, California, Phoenix, Arizona, Las Vegas, Nevada, and Dallas, Texas. 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, specifically under California's invasion of privacy statutes and Telephone Consumer Protection Act. Approximately 95% percent of my practice concerns consumer litigation in general, and approximately 50% percent of my class action practice involves litigating claims under the TCPA.

**EXPERIENCE RELEVANT TO THE  
TELEPHONE CONSUMER PROTECTION ACT**

7. I have filed and litigated numerous other class actions based on the Telephone Consumer Protection Act in the past four years. The following is a non-exhaustive list of other TCPA class actions 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; preliminarily 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);
  - 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. *Martin v. Wells Fargo Bank, N.A.*, 12-CV-06030-SI (N.D. Cal.);
- l. *Heinrichs v. Wells Fargo Bank, N.A.*, 13-CV-05434-WHA (N.D. Cal.);
- m. *Newman v. ER Solutions, Inc.*, 11-CV-0592H (BGS);
- n. *In Re Jiffy Lube International, Inc.*, MDL No. 2261 (Finally approved for \$47,000,000.00);
- o. *Jaber v. NASCAR*, 11-CV-1783 DMS (WVG) (S.D. Cal.);
- p. *Ridley v. Union Bank, N.A.*, 11-CV-1773 DMS (NLS) (S.D. Cal.);
- q. *Ryabyshchuk v. Citibank (South Dakota) N.A., et al.*, 11-CV-1236-IEG (WVG);
- r. *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);
- s. *Rivera v. Nuvel Credit Company LLC*, 13-CV-00164-TJH-OP (E.D. Cal.);
- t. *Karayan v. Gamestop Corp.*, 3:12-CV-01555-P (N.D. Texas);
- u. *Foote v. Credit One Bank, N.A. et al.*, 13-cv-00512-MWF-PLA (C.D. Cal.);
- v. *Webb v. Healthcare Revenue Recovery Group*, 13-cv-00737-RS (N.D. Cal.);

- w. *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);
  - x. *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);
  - y. *Rose v. Bank of America Corporation et al.*, 12-cv-04009-EJD (N.D. Cal.) (Finally approved for \$32,000,000 in 2014);
  - z. *Newman v. AmeriCredit Financial Services*, 11-cv-03041-DMS-BLM (S.D. Cal.) (finally approving TCPA settlement for over \$6,500,000 on March 28, 2016);
  - aa. *Fox v. Asset Acceptance, LLC*, 14-cv-00734-GW-FFM (C.D. Cal. July 1, 2016) (finally approved TCPA class action for \$1,000,000; \$200,000 cash and \$800,000 debt relief);
  - bb. *Abdeljalil v. GE Capital Retail Bank*, 12-cv-02078-JAH-MDD (S.D. al.) (Class Certification granted and preliminarily approved for \$7,000,000);
  - cc. *Barrett v. Wesley Financial Group, LLC*, 13-cv-00554-LAB-KSC (S.D. Cal.) (Class certification granted); and,
  - dd. *Gehrich v. Chase Bank, N.A.*, 12-cv-5510 (N.D. Cal.) (finally approved for \$34,000,000).
8. Many of the cases listed above, which have settled, have resulted in the creation of combined common funds and/or distribution to class member in the tens of millions of dollars. The outstanding results mentioned above are a direct result of the diligence and tenacity shown by both myself and Kazerouni Law Group, APC, in successfully prosecuting complex class actions.

9. I argued before the Ninth Circuit Court of Appeals concerning the TCPA 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.

**KAZEROUNI LAW GROUP, APC'S OTHER  
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-inclusive list of notable published decisions are as follows:

- 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. *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);
- d. *Olney v. Progressive Casualty Insurance Company*, 13-CV-2058-GPC-NLS, 2014 U.S. Dist. LEXIS 9146 (S.D. Cal.) (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);
- e. *Iniguez v. The CBE Group, Inc.*, 2013 U.S. Dist. LEXIS 127066 (E.D. Cal.); 13-CV-00843-JAM-AC (The court denied 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);
  - 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 preliminarily approved on November 10, 2015); and,
  - g. *Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles) (finally approved for \$5,600,000).

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

11.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:

- a. Four-day National Consumer Law Center Conference; Nashville, TN – 2008;
- b. Three-day National Consumer Law Center Conference; Portland, OR - 2008;
- c. Three-day National Consumer Law Center Conference; San Diego, CA - 2009;
- d. Three-day National Consumer Law Center Conference; Seattle, WA - 2011;



- e. Three-day CAALA Conference; Las Vegas, NV – 2009;
- f. Three-day CAALA Conference; Las Vegas, NV – 2013;
- g. Three-day CAALA Conference; Las Vegas, NV – 2015;
- h. Three-day COAC Conference – 2014 and 2015
- i. Speaker at ABA National Conference, Business Litigation Section; Trends in Consumer Litigation; San Francisco, CA – 2013; and
- j. Speaker at the ABA TCPA National Webinar (Consumer Protection, Privacy & Information Security, Private Advertising Litigation, and Media & Technology Committees) – September 2013.
- k. Spoke at the 2014 ACA Conference in November 2014.
- l. Speaker at ACI Conference in Dallas, TX in September of 2016 concerning The Borrower's Perspective: Insight From The Plaintiffs' Bar and Consumer Advocates.
- m. Speaker on TCPA panel in September of 2016 at the Annual Consumer Financial Services Conference.

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

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

14. I am an adjunct professor at California Western School of Law where I teach a three-credit course in consumer law.
15. I have been named Rising Star by San Diego Daily Tribune in 2012, and Rising Star in Super Lawyers Magazine in 2013, 2014 and 2015. I was named a Super Lawyer by Super Lawyers Magazine in 2016.
16. I lectured in Class Action Trends at the CAOC 2015 Conference in San Francisco.
17. I was selected for membership into The National Trial Lawyers: Top 40 Under 40 in 2016.
18. I was a panelist in a webinar, ABA Telephonic Brown Bag re: TCPA, on August 25, 2015.
19. I lectured in Class Action Trends at the CAOC 2015 Conference in San Francisco, California.
20. In January of 2016, I spoke on the impact of the Federal Communications Commission's 2015 Declaratory Ruling on TCPA litigation at the ABA National Convention in Salt Lake City, Utah.
21. In May of 2016, I spoke on Class Action Trends at the CAOC seminar in Palm Springs, California.
22. I lectured on the TCPA before the ABA Business Law Section, Consumer Financial Services Committee in January 2016 at an event in Utah entitled, "Impact of the FCC's 2015 Rulings on TCPA Litigation."
23. In 2016, I wrote an article entitled "Finding a Balance" that was published in the Nutrition Business Journal, concerning a lawsuit filed under the Racketeer Influenced and Corrupt Organization Act.
24. I am often called upon to give legal analysis on popular television and radio

shows such as Dr. Drew Midday Live and Fox 5.

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

- a. Consumer Attorneys Association of Los Angeles;
- b. The Orange County Bar Association;
- c. Twice served as former President of the Orange County Chapter of the Iranian American Bar Association;
- d. Member in good standing of National Association of Consumer Advocates;
- e. Member of Consumer Attorneys of California;
- f. Member of the Federal Bar Association; and
- g. Member of the Leading Forum of the American Association of Justice.

26. I have been appointed class counsel in several class actions brought under the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 (TCPA). My practice involves significant TCPA litigation and I am or have been counsel in significant national TCPA class actions including, but not limited to, class actions against Bank of America, Chase, Wells Fargo and Comenity Bank, to mention a few.

27. 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.

I declare under penalty of perjury under the laws of Georgia and the United States of America that the foregoing is true and correct, and that this declaration was executed on July 18, 2017 at Costa Mesa, California.

By: s/ Abbas Kazerounian  
Abbas Kazerounian, Esq.  
*Attorney for Plaintiff*