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11 Roy Lo

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES – UNLIMITED CIVIL**

14 **ROY LO, Individually and On Behalf**
15 **of All Others Similarly Situated,**

16 Plaintiffs,

17 v.

18 **NUTRIBULLET LLC,**

19 Defendant.

Case No.: 21STCV12852

**DECLARATION OF ABBAS
KAZEROUNIAN IN SUPPORT OF
PLAINTIFF’S MOTION FOR
ATTORNEYS’ FEES, COSTS, AND
SERVICE AWARD**

JUDGE: Hon. William F. Highberger
DEPT.: 10

DECLARATION OF ABBAS KAZEROUNIAN

I, ABBAS KAZEROUNIAN, declare:

1. I am one of the attorneys for plaintiff Roy Lo (the “Plaintiff”) in the above-captioned action against defendant Nutribullet, LLC (“Defendant”). I am over the age of 18 and am fully competent to make this declaration.
2. I was admitted to the State Bar of California in 2007 and have been a member in good standing ever since that time. I have litigated cases in both state and federal courts in California, Washington, Nevada, Arizona, Arkansas, New York, New Jersey, Tennessee, Ohio, Florida, Illinois, Colorado, 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 bars of Texas, Illinois, New York, Colorado, 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.
3. 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.
4. I submit this declaration in support of Plaintiff’s Motion for Attorneys’ Fees, Costs, and Service Award.
5. I am a founding partner of Kazerouni Law Group, APC.
6. I have been appointed as one of Class Counsel in this action.
7. I have worked on this action since its inception, and attended the full-day private mediation before Judge Patrick Walsh (Ret.) of Signature Resolution on August 11, 2021.
8. In my opinion, the requested combined award of attorneys’ fees and costs of \$195,000 is fair and reasonable in this risky action taken by my firm on a contingency fee basis. Class Counsel have not been paid anything to date for their time and expenses for this risky action filed In April of 2021.



HOURS INCURRED AND COSTS

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9. From early 2021 to the present, I have incurred approximately 23.70 hours in this action against Defendant. All hours were logged contemporaneously in the normal course of business. I have been involved in every major aspect of the case, including but not limited to attending the mediation and motion practice. I have spent approximately 1.60 hours on Communications with co-counsel, approximately 2 hours on Communications with opposing counsel, approximately 0.70 hours on Communications (other), approximately 1.8 hours on Motion Practice, and approximately 17.60 hours on Mediation/Settlement.
 10. My firm is not seeking compensation for time incurred by support staff such as receptionists, clerks and paralegals. Their hours have been zeroed for purposes of this motion.
 11. I anticipate incurring at least 9 hours of additional time to prepare a motion for final approval of the class action settlement and through the fairness hearing, for a total of 32.70 hours.
 12. Based on my extensive experience litigating consumer class actions as detailed below, I believe my proposed hourly rate of \$745 is fair and reasonable, in light of my extensive experience combined with my prior fee approval rates.
 13. I was approved for an hourly rate of \$755 in the finally approved class action settlement in *R.O. et al. v. Rady Children’s Hospital – San Diego*, No. 37-2020-00011841-CU-BT-CTL (Sup. Ct. San Diego, California May 10, 2022). In *Hinkle v. Sports Research Corp.*, No. 37-2020-00001422-CU-NP-NC (Sup. Ct. San Diego), I was approved for an hourly rate of \$730 in the class action settlement. Back on December 3, 2020, I was approved for an hourly rate of \$710 in the matter of *McCurely v. Royal Sea Cruises, Inc.*, No. 3:17-cv-00986-BAS-AGS (S.D. Cal.). I was approved for an hourly rate of \$705 in the matter of *Ronquillo-Griffin v. TransUnion Rental Screening Sols., Inc.*, No. 17cv129-JM (BLM), 2019 U.S. Dist. LEXIS 79021 (S.D. Cal. May 9, 2019) in action filed on January 14, 2017. Before that, on January 22, 2019, I was approved for an hourly rate of \$695 in *Santana v. Rady Children’s Hospital – San Diego*, Case No. 37-2014-00022411-CU-MT-CTL (San



1 Diego County Superior Court, Jan. 2019). And before that I was approved for an hourly
2 rate of \$675 in *Ayala v. TriplePulse Inc.*, 2018 Cal. Super. LEXIS 3242, *4 (Los Angeles
3 County Superior Court, Nov. 13, 2018).

4 14. At this rate and with the hours incurred above, including a reasonable estimate of additional
5 hours, my loadstar is \$24,361.50 for this action.

6 15. I work almost exclusively on a contingency fee basis. My firm has not been paid anything
7 for our time in working on this matter on a contingency fee basis.

8 16. To date, my firm has incurred costs of \$12,590.62. Plaintiffs' counsel's hours and costs are
9 fully documented and reasonably incurred. A true and correct record of the expenses
10 incurred for this matter is attached hereto as **Exhibit 1**.

11 17. My firm anticipates incurring additional costs for filing a motion for final approval of a
12 class action settlement.

13 **CLASS COUNSEL'S EXPERIENCE**

14 18. Since my admission to the State Bar of California in 2007, I have been engaged exclusively
15 in the area of consumer rights litigation, primarily in the area of fair debt collections, the
16 defense of debt collection lawsuits, class action litigation for false advertising actions
17 concerning consumer products, unfair competition, the Telephone Consumer Protection
18 Act, California's Invasion of Privacy Statute pursuant to Penal Code § 630, *et seq.*, and
19 other consumer statutes.

20 19. My firm, Kazerouni Law Group, APC, in which I am a principal, has litigated over 10,000
21 cases in the past fourteen years. My firm has nine offices in seven states. Kazerouni Law
22 Group, APC has extensive experience in consumer class actions and other complex
23 litigation. My firm has a history of aggressive, successful prosecution of consumer class
24 actions. About 95% percent of my practice concerns consumer litigation in general.

25 **KAZEROUNI LAW GROUP, APC'S** 26 **CONSUMER RELATED EXPERIENCE AND RESULTS**

27 20. I have presented oral argument on several occasions to the Ninth Circuit Court of Appeals,
28 including in the following matters:

- a. Three times in *Afewerki v. Anaya Law Group*, No. 15-56510 (9th Cir. April 7, 2017), *Afewerki v. Anaya Law Group*, No. 18-55100 (9th Cir. May 15, 2019), and *Afewerki v. Anaya Law Group*, No. 19-56486 (9th Cir. Jan. 21, 2021), which resulted in an order in favor of my client’s FDCPA claim;
- b. *Marks v. Crunch San Diego, LLC*, 2018 U.S. App. LEXIS 26883 (9th Cir. 2018), which resulted in an order in favor of my client on a TCPA claim in terms of the meaning of an automatic telephone dialing system;
- c. *Knutson v. Sirius XM Radio*, No. 12-56120 (9th Cir. 2014), which resulted in an order in favor of my client, reversing an order compelling arbitration.

21. I served as co-class counsel preliminarily approved data breach settlement in *Cotter v. Checkers Drive-In Restaurants, Inc.*, 8:19-cv-01386-VMC-CPT (M.D. Fl. June 20, 2020).

22. In 2019, I was appointed co-lead counsel in a securities class action in *Jiao v. Merrill Lynch Pierce Fenner & Smith, Inc. et al.*, No. 3:17-cv-00409-L-MMD (S.D. Cal.).

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

- a. *Burt v. Bd. of Trs. of the Univ. of R.I.*, No. 20-465-JJM-LDA, 2021 U.S. Dist. LEXIS 42059 (D.R.I. Mar. 4, 2021) (denying in part and granting in part motion to dismiss breach of contract claims involving putative class action for refund as a result of campus closure due to COVID-19);
- b. *Hill v. Quicken Loans, Inc.*, No. ED CV 19-0163 FMO (SPx), 2020 U.S. Dist. LEXIS 140980 (C.D. Cal. Aug. 5, 2020) (denying defendant’s motion to dismiss and motion to compel arbitration of TCPA case);
- c. *Fishman v. Subway Franchisee Advert. Fund Tr., Ltd.*, No. 2:19-cv-02444-ODW (ASx), 2019 U.S. Dist. LEXIS 200710 (C.D. Cal. Nov. 18, 2019) (denying a defendant’s motion to dismiss case for lack of personal jurisdiction where jurisdiction as based on an agency relationship);
- d. *Delisle v. Speedy Cash*, No. 3:18-CV-2042-GPC-RBB, 2019 U.S. Dist. LEXIS 96981 (S.D. Cal. June 10, 2019) (denying defendant’s motion to compel arbitration, for a second time; currently on appeal);

- 1 e. *Marks v. Crunch San Diego, LLC*, 2018 U.S. App. LEXIS 26883 (9th Cir. 2018)
 2 (TCPA class action where Ninth Circuit upheld Ninth Circuit precedence on the
 3 definition of an Automatic Telephone Dialing System);
- 4 f. *Sherman v. Yahoo!, Inc.*, 2014 U.S. Dist. LEXIS 13286; 13-CV-0041-GPC-WVG
 5 (S.D. Cal.) (TCPA class action where Defendant’s motion for summary judgment was
 6 denied holding that a single call or text message with the use of an ATDS may be
 7 actionable under the TCPA);
- 8 g. *Olney v. Progressive Casualty Insurance Company*, 13-CV-2058-GPC-NLS, 2014
 9 U.S. Dist. LEXIS 9146 (S.D. Cal.) (Defendant’s motion to dismiss or in the alternative
 10 to strike the class allegations was denied finding that debt collection calls were not
 11 exempt from coverage under the TCPA);
- 12 h. *Iniguez v. The CBE Group, Inc.*, 2013 U.S. Dist. LEXIS 127066 (E.D. Cal.); 13-CV-
 13 00843-JAM-AC (The court denied Defendant’s motion to dismiss and to strike class
 14 allegations holding that the TCPA applies to any call made to a cellular telephone with
 15 an ATDS);
- 16 i. *Stemple v. QC Holdings, Inc.*, No. 12-cv-01997-BAS (WVG), 2014 U.S. Dist. LEXIS
 17 125313 (S.D. Cal. Sep. 5, 2014) (order denying defendant’s motion for reconsideration
 18 of class certification under the TCPA);
- 19 j. *Chen v. Allstate Ins. Co.*, 819 F.3d 1136 (9th Cir. 2016) (order affirming decision
 20 finding unaccepted offer of judgment under Fed. R. Civ. P. 68 did not moot the
 21 plaintiff’s individual TCPA claims);
- 22 k. *Knell, et al. v. FIA Card Services, N.A.*, 13-CV-01653-AJB-WVG (S.D. Cal.)
 23 (California class action settlement under Penal Code 632, *et seq.*, for claims of invasion
 24 of privacy. Settlement resulted in a common fund in the amount of \$2,750,000; finally
 25 approved on August 15, 2014);
- 26 l. *Hoffman v. Bank of America Corporation*, 12-CV-00539-JAH-DHB (S.D. Cal.)
 27 (California class action settlement under Penal Code 632, *et seq.*, for claims of invasion
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1 of privacy. Settlement resulted in a common fund in the amount of \$2,600,000; finally
2 approved on November 6, 2014 and served as co-lead counsel);

3 m. *Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles) (finally approved
4 for \$5,600,000 in action under Cal. Pen. Code § 630, *et seq.*);

5 n. *Zaw v. Nelnet Business Solutions, Inc. et al.*, No. 13-cv-05788-RS (N.D. Cal.) (finally
6 approved in 2014 for \$1,188,110 in action under Cal. Pen. Code § 630, *et seq.*);

7 o. *Medeiros v. HSBC Bank Nevada, N.A.*, 3:14-cv-01786-JLS-MDD (S.D. Cal. 2017)
8 (Finally approved action under Penal Code 632, *et seq.* for \$13,000,000).

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

11 a. *Barbano v. JPMorgan Chase Bank, N.A.*, 2021 U.S. Dist. LEXIS 204354 (C.D.
12 Cal. 2021) (Real Estate Settlement Procedures Act (“RESPA”) class finally
13 approved);

14 b. *Fishman v. Subway Franchisee Advert. Fund Tr., Ltd.*, No. 2:19-cv-02444-ODW
15 (ASx), 2019 U.S. Dist. LEXIS 200710 (C.D. Cal. Nov. 18, 2019) (col-lead
16 counsel; obtained order denying a defendant’s motion to dismiss case for lack of
17 personal jurisdiction where jurisdiction as based on an agency relationship);

18 c. *Flores v. Adir Int'l, LLC*, 788 F. App'x 496 (9th Cir. 2019) (affirming order denying
19 motion to compel arbitration of my client’s claims);

20 d. *Ronquillo-Griffin v. TransUnion Rental Screening Solutions, Inc. et al.*, No. 3:17-
21 cv-00129-JM-BLM (S.D.Cal. May 9, 2019) (co-lead counsel in finally approving
22 class action settlement involving claims under Cal. Pen. Code § 630, *et seq.*);

23 e. *Hill v. Quicken Loans, Inc.*, No. ED CV 19-0163 FMO (SPx), 2020 U.S. Dist.
24 LEXIS 140980 (C.D. Cal. Aug. 5, 2020) (denying defendant’s motion to dismiss
25 and motion to compel arbitration of TCPA case after an evidentiary hearing);

26 f. *Holt v. Foodstate, Inc.*, No. 1:17-cv-00637-LM, 2020 U.S. Dist. LEXIS 7265
27 (D.N.H. Jan. 16, 2020) (finally approving class action settlement for alleged false
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- 1 advertising of consumable product, \$2,100,000, with Abbas Kazerounian and Jason
 2 Ibey as co-lead class counsel);
- 3 g. *Delisle v. Speedy Cash*, No. 3:18-CV-2042-GPC-RBB, 2019 U.S. Dist. LEXIS
 4 96981 (S.D. Cal. June 10, 2019) (denying defendant’s motion to compel arbitration
 5 of claims for allegedly charging excessive APR; remanded on appeal to consider
 6 intervening law; I was co-lead counsel);
- 7 h. *Barrow v. JPMorgan Chase Bank, N.A.*, 1:16-cv-03577-AT (N.D. Ga) (co-lead
 8 counsel in finally approved TCPA class settlement for \$2,250,000);
- 9 i. *Barani v. Wells Fargo Bank, N.A.*, 12-CV-02999-GPC (KSC) (S.D. Cal.) (Co-lead
 10 class counsel in a settlement under the TCPA for the sending of unauthorized text
 11 messages to non-account holders in connection to wire transfers; finally approved
 12 on March 6, 2015 for over \$1,000,000);
- 13 j. *Maxin v. RHG & Company, Inc.*, 2017 U.S. Dist. LEXIS 27374 (S.D. Cal. February
 14 27, 2017) (co-lead counsel in finally approved class action settlement for
 15 \$900,000);
- 16 k. *Scheuerman v. Vitamin Shoppe Industries, Inc.*, BC592773 (Los Angeles Superior
 17 Court) (co-lead counsel in finally approved class action settlement for up to
 18 \$638,384);
- 19 l. *Meza v. Sirius XM Radio Inc.*, No. 17-cv-02252-AJB-JMA (S.D. Cal. February 25,
 20 2020) (obtained order denying the defendant’s motion to strike class allegations
 21 and motion to dismiss complaint where defendant challenged the constitutionality
 22 of the TCPA);
- 23 m. *Malta, et al. v. Wells Fargo Home Mortgage, et al.*, 10-CV-1290-IEG (BLM)
 24 (Served as co-lead counsel for a settlement class of borrowers in connection with
 25 residential or automotive loans and violations of the TCPA in attempts to collect
 26 on those accounts; obtained a common settlement fund in the amount of
 27 \$17,100,000; final approval granted in 2013);

- 1 n. *Conner v. JPMorgan Chase Bank, et al.*, 10-CV-1284 DMS (BGS) (S.D. Cal.)
 2 (finally approved \$11,973,558);
- 3 o. *In Re Jiffy Lube International, Inc.*, MDL No. 2261 (Finally approved for
 4 \$47,000,000.00 in value to the class);
- 5 p. *Newman v. AmeriCredit Financial Services*, 11-cv-03041-DMS-BLM (S.D. Cal.)
 6 (co-lead counsel in finally approving TCPA settlement for over \$6,500,000 on
 7 March 28, 2016);
- 8 q. *Fox v. Asset Acceptance, LLC*, 14-cv-00734-GW-FFM (C.D. Cal. July 1, 2016)
 9 (co-lead counsel in finally approved TCPA class action for \$1,000,000; \$200,000
 10 cash and \$800,000 debt relief);
- 11 r. *Barrett v. Wesley Financial Group, LLC*, 13-cv-00554-LAB-KSC (S.D. Cal.)
 12 (Appointed co-lead class counsel in certified TCPA action);
- 13 s. *Gehrich v. Chase Bank, N.A.*, 12-cv-5510 (N.D. Cal.) (finally approved for
 14 \$34,000,000);
- 15 t. *Macias v. Water & Power Community Credit Union*, BC515936 (Los Angeles
 16 Superior Court) (Co-lead class counsel in certified class action under the Rosenthal
 17 Fair Debt Collection Practices Act; class action settlement finally approved on
 18 April 21, 2016);
- 19 u. *Stemple v. QC Holdings, Inc.*, 12-cv-01997-BAS-WVG (S.D. Cal. Nov. 7, 2016)
 20 (Co-lead counsel in finally approved for \$1,500,000);
- 21 v. *Abdeljalil v. GE Capital Retail Bank*, 12-cv-02078-JAH-MDD (S.D. Cal.) (Co-
 22 lead counsel; Class Certification granted and finally approved for \$7,000,000);
- 23 w. *Hooker v. Sirius XM Radio Inc.*, 4:13-cv-00003-AWA-LRL (E.D.Va. December
 24 22, 2016) (Served as co-lead counsel in finally approved TCPA class action
 25 settlement with a monetary fund of \$35,000,000);
- 26 x. *Medeiros v. HSBC Bank Nevada, N.A.*, 3:14-cv-01786-JLS-MDD (S.D. Cal. 2017)
 27 (finally approved CIPA class action settlement for \$13,000,000);
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- 1 y. *Burkhammer v. Allied Interstate, LLC*, 2017 Cal. Super. LEXIS 109 (Sup. Ct. San
2 Luis Obispo) (Co-lead counsel in RFDCPA class action finally approved on
3 October 30, 2017);
- 4 z. *Caldera v. Am. Med. Collection Agency*, 2017 U.S. Dist. LEXIS 99239 (C.D. Cal.
5 June 27, 2017) (Order certifying nationwide TCPA class action and appointing Mr.
6 Kazerounian as co-lead counsel);
- 7 aa. *Moreno-Peralta v. TRS Recovery Services, Inc.*, 2017 Cal. Super. LEXIS 548 (Sup.
8 Ct. San Luis Obispo Oct. 10, 2017) (Co-lead counsel in RFDCPA class action
9 finally approved);
- 10 bb. *Luster v. Wells Fargo Dealer Services, Inc.*, 15-cv-1058 (TWT) (N.D. Ga.
11 November 8, 2017) (TCPA class action finally approved in the amount of
12 \$14,834,058.00);
- 13 cc. *McPolin v. Credit Service of Logan*, 16-cv-116 BSJ (Utah District Court) (Co-lead
14 counsel in FDCPA class action with consumers to each receive \$1,428.57, debt
15 relief, and tradeline deletion finally approved on November 9, 2017);
- 16 dd. *Reid v. I.C. System, Inc.*, 2017 U.S. Dist. LEXIS 43770 (D.Ariz. March 24, 2017)
17 (TCPA class actions finally approved in the amount of \$3,500,000);
- 18 ee. *Dowlatshahi v. Mcilhenny Company*, No. 30-2017-00911222-CU-NP-CXC (Sup.
19 Ct. Orange County Oct. 10, 2018) (granting final approval to product false
20 advertising settlement with Mr. Kazerounian as co-lead counsel);
- 21 ff. *Giffin v. Universal Protein Supplements Corporation d/b/a/ Universal Nutrition et*
22 *al.*, No. BC613414 (Superior Court of California, County of Los Angeles) (co-lead
23 counsel in finally approved class action settlement alleging violation of California
24 law involving Made in USA representations);
- 25 gg. *Holt v. Noble House Hotels & Resort, Ltd.*, No. 17cv2246-MMA (BLM), 2018 U.S.
26 Dist. LEXIS 177940 (S.D. Cal. Oct. 16, 2018) (achieved class certification status
27 on CLRA claim for alleged false advertising of restaurant surcharge; Abbas
28 Kazerounian and Jason Ibey appointed as class counsel);

- 1 hh. *Sherman v. Kaiser Foundation Health Plan, Inc.*, 13-CV-0981-JAH (JMA)
2 (S.D. Cal.) (Settled for \$5,350,000 and finally approved on May 12, 2015; served
3 as co-lead counsel);
- 4 ii. *Pastor v. Bank of America*, Case No. 3:15-cv-03831-MEJ (N.D. Ca. 2015) (FCRA
5 class finally approved in the amount of \$1,645,000);
- 6 jj. *Couser v. Comenity Bank*, 12-cv-02484-MMA-BGS (S.D. Cal. Oc. 2, 2014)
7 (Finally approved for \$8,475,000 on May 27, 2015 served as co-lead counsel);
- 8 kk. *Arthur v. SLM Corporation*, 10-CV-00198 JLR (W.D. Wash.) (nationwide
9 settlement obtaining \$24.15 million; final approval granted in 2012);
- 10 ll. *Lo v. Oxnard European Motors, LLC, et al.*, 11-CV-1009-JLS-MDD (S.D. Cal.)
11 (Achieving one of the highest class member payouts in a TCPA action of \$1,331.25
12 per claimant; final approval granted in 2012; served as co-lead counsel);
- 13 mm. *In Re: Midland Credit Management, Inc., Telephone Consumer Protection Act*
14 *Litigation*, 11-md-2286-MMA (MDD) (S.D. Cal.) (Co-lead counsel for a Plaintiff
15 in the lead action, prior to the action being recategorized through the multi-district
16 litigation process; finally approved for \$18 million);
- 17 nn. *In Re: Portfolio Recovery Associates, LLC Telephone Consumer Protection Act*
18 *Litigation*, 11-md-02295-JAH (BGS) (Co-lead counsel for a Plaintiff in the lead
19 action, prior to the action being recategorized through the multi-district litigation
20 process; finally approved for \$18 million);
- 21 oo. *Sarabri v. Weltman, Weinberg & Reis Co., L.P.A.*, 10-01777-AJB-NLS (S.D. Cal.)
22 (Approved as co-lead counsel and worked to obtain a national TCPA class
23 settlement where claiming class members each received payment in the amount of
24 \$70.00 per claimant; final approval granted in 2013);
- 25 pp. *Mills v. HSBC Bank Nevada, N.A.*, Case No. 12-CV-04010-SI (N.D. Cal.) (Finally
26 approved for \$39,975,000);
- 27 qq. *Rose v. Bank of America Corporation et al.*, 12-cv-04009-EJD (N.D. Cal.) (finally
28 approved for \$32,000,000 in 2014);

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- rr. *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);
- ss. *Knell, et al. v. FIA Card Services, N.A.*, 13-CV-01653-AJB-WVG (S.D. Cal.) (California class action settlement under CIPA 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; served as co-lead counsel.);
- xx. *Hoffman v. Bank of America Corporation*, 12-CV-00539-JAH-DHB (S.D. Cal.) (California class action settlement under CIPA 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; served as co-lead counsel.);
- zz. *Zaw v. Nelnet Business Solutions, Inc. et al.*, No. 13-cv-05788-RS (N.D. Cal.) (Co-lead counsel in finally approved in 2014 for \$1,188,110 in action under Cal. Pen. Code § 630, *et seq.*).

25. With regard to cases specifically involving false advertising, in the last few years I have settled, or am in the process, several cases, including but not limited to:

- a. *Holt v. Foodstate, Inc.*, No. 1:17-cv-00637-LM, 2020 U.S. Dist. LEXIS 7265 (D.N.H. Jan. 16, 2020) (finally approving class action settlement for alleged false advertising of consumable product);
- b. *Oxina v. Lands' End, Inc.*, 3:14-cv-02577-MMA-NLS (S.D. Cal. 2016) (finally approved settlement under California Made in the USA statute);
- c. *Kline v. Dymatize Enters., LLC*, No. 15-CV-2348-AJB-RBB, 2016 U.S. Dist. LEXIS 142774, at *16 (S.D. Cal. Oct. 13, 2016) (finally approved class action settlement regarding slack fill claim);
- d. *Maxin v. RHG & Company, Inc.*, 2017 U.S. Dist. LEXIS 27374 (S.D. Cal. February 27, 2017) (finally approved class action settlement for \$900,000);
- e. *Scheuerman v. Vitamin Shoppe Industries, Inc.*, BC592773 (Los Angeles Superior Court) (finally approved class action settlement for up to \$638,384);

- f. *Dowlatshahi v. Mcilhenny Company*, No. 30-2017-00911222-CU-NP-CXC (Sup. Ct. Orange County Oct. 10, 2018) (granting final approval to product false advertising settlement);
- g. *LaPuebla v. BirchBox, Inc.*, 3:15-cv-00498-BEN-BGS (S.D. Cal.) (Kazerouni Law Group, APC served as class counsel in settlement involving claims of non-compliance with California’s auto-renewal disclosure requirement);
- h. *Giffin v. Universal Protein Supplements Corporation d/b/a/ Universal Nutrition et al.*, No. BC613414 (Superior Court of California, County of Los Angeles) (finally approved class action settlement alleging violation of California law involving Made in USA representations);
- i. *Duenas v. Freedom Laser Therapy, Inc. d/b/a iRestore*, No. 30-2019-01060877-CU-BT-CXC (Sup. Ct. Orange County) (pending motion for preliminary approval of class action settlement involving alleged false or misleading claims concerning a laser hair growth product).

26. In the matter of *Holt v. Foodstate Inc.*, No. 17-cv-637-LM (D.N.H. Jan. 6, 2020), in which I served as one of Co-Class Counsel with Jason A. Ibey from my firm, the court at the final approval hearing (as reflected by the hearing transcript for that matter) expressed that “Class counsel are highly qualified and experienced in consumer class actions, including false advertising claims,” and further stated that Mr. Kazerounian “[h]as participated in over 50 consumer protection class action suits in the last several years and he also has received extensive training in consumer protection litigation, has given presentations on the subject, including teaching a law school course on consumer law.” A true and correct copy of the relevant excerpt from the transcript is attached hereto as **Exhibit 2**.

27. 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.

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

- 28. I am an adjunct professor at California Western School of Law where I teach a three-credit course in consumer law.
- 29. 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. National Consumer Law Center Conference in 2013;
 - f. National Consumer Law Center Conference in 2014;
 - g. National Consumer Law Center Conference in 2015;
 - h. National Consumer Law Center Conference in 2016;
 - i. Three-day CAALA Conference; Las Vegas, NV – 2009;
 - j. Three-day CAALA Conference; Las Vegas, NV – 2013;
 - k. Three-day CAALA Conference; Las Vegas, NV – 2015;
 - l. Three-day CAALA Conference; Las Vegas, NV – 2016;
 - m. Three-day CAOC Conference – 2014 and 2015;
 - n. Speaker at ABA National Conference, Business Litigation Section; Trends in Consumer Litigation; San Francisco, CA – 2013;
 - o. Speaker at the ABA TCPA National Webinar (Consumer Protection, Privacy & Information Security, Private Advertising Litigation, and Media & Technology Committees) – September 2013;
 - p. Spoke at the 2014 ACA Conference in November 2014;
 - q. Speaker at ACI Conference in Dallas, TX in September of 2016 concerning The Borrower's Perspective: Insight From The Plaintiffs' Bar and Consumer Advocates;
 - r. Speaker on TCPA panel in September of 2016 at the Annual Consumer Financial Services Conference.

- 1 30. As one of the main plaintiff litigators of consumer rights cases in the Southern District of
2 California, I have been requested to and have made regular presentations to community
3 organizations regarding debt collection laws and consumer rights. These organizations
4 include Whittier Law School, Iranian American Bar Association, Trinity School of Law
5 and Chapman Law School, University of California, Irvine, and California Western
6 School of Law.
- 7 31. I was the principle anchor on Time Television Broadcasting every Thursday night as an
8 expert on consumer law generally between 2012 and 2013.
- 9 32. I was named Rising Star by San Diego Daily Tribune in 2012, and Rising Star in Super
10 Lawyers Magazine in 2013, 2014, and 2015.
- 11 33. I was named a Super Lawyer by Super Lawyers Magazine in 2016, 2017, 2018, 2019 and
12 2020.
- 13 34. I lectured in Class Action Trends at the CAOC 2015 Conference in San Francisco.
- 14 35. I was selected for membership into The National Trial Lawyers: Top 40 Under 40 in 2016,
15 2017 and 2018.
- 16 36. I was a panelist in a webinar, ABA Telephonic Brown Bag re: TCPA, on August 25, 2015.
- 17 37. I lectured in Class Action Trends at the CAOC 2015 Conference in San Francisco,
18 California.
- 19 38. In January of 2016, I spoke on the impact of the Federal Communications Commission's
20 2015 Declaratory Ruling on TCPA litigation at the ABA National Convention in Salt Lake
21 City, Utah.
- 22 39. In May of 2016, I spoke on Class Action Trends at the CAOC seminar in Palm Springs,
23 California.
- 24 40. In August of 2018, I was one of three presenters on another national webinar on the TCPA
25 titled "From Both Sides: Plaintiff and Defense Perspective on the TCPA".
- 26 41. In August of 2018, I was one of two presenters on a national webinar on the TCPA titled
27 "TCPA Takes a New Turn With the 9th Circuit's Ruling in *Marks v. Crunch San Diego,*
28 *LLC.*"

- 1 42. I lectured on the TCPA before the ABA Business Law Section, Consumer Financial
2 Services Committee in January 2016 at an event in Utah entitled, “Impact of the FCC’s
3 2015 Rulings on TCPA Litigation.”
- 4 43. In 2016, I wrote an article entitled “Finding a Balance” that was published in the Nutrition
5 Business Journal, concerning a lawsuit filed under the Racketeer Influenced and Corrupt
6 Organization Act.
- 7 44. I was published in the Daily Journal in September of 2016, with the title, “The FDCPA:
8 The Forgotten Statute.”
- 9 45. I am often called upon to give legal analysis on popular television and radio shows such
10 as Dr. Drew Midday Live and Fox 5.
- 11 46. In March of 2016, I moderated the Judges Panel on Class Action Trends and Federal
12 Litigation Trends at the NCLC Conference.
- 13 47. I spoke on privacy rights on a panel before the California State Bar Convention in 2016.
- 14 48. I spoke at the 22nd National Forum on Residential Mortgage Litigation & Regulatory
15 Enforcement conference on January 22, 2017.
- 16 49. Presented at the 2017 CAOC seminar in Palm Springs, California.
- 17 50. I was given the Wiley W. Manuel Award by the State Bar of California for Pro Bono Work
18 (2017).
- 19 51. Speaker at national webinar on June 7, 2017, for the CAOC, entitled, “Understanding the
20 Fair Debt Collection Practices Act”, and again on August 1, 2018.
- 21 52. I wrote an article entitled, *Collateral Damage, Beyond the personal injury: When*
22 *creditors and collection agencies stalk your client*, published in the September 2017
23 edition of Plaintiff magazine.
- 24 53. Speaker at National Webinar by the ABA Consumer Financial Services Committee on
25 TCPA Update – “The D.C. Circuit’s TCPA Decision on the FCC Ruling, held on March
26 22, 2018.
- 27 54. Spoke at 2018 Inland Empire CAOC Convention on “Class Action Hot Topics” - May
28 2018.

- 1 55. On January 11, 2019, I spoke on a panel entitled “TCPA Litigation: Where is it Heading
2 Now?” at the 2019 Annual American Bar Association Conference in Miami.
- 3 56. Spoke on “The interplay between Personal Injury and Class Actions” at the CAOC
4 Sonoma Seminar 2019.
- 5 57. Presented at Mass Torts Made Perfect on Modern Trends in the TCPA in April of 2019.
- 6 58. Speaker at the CAOC Inland Empire Seminar in Palm Springs on “Dealing with Overly
7 Ambitious Lien Holders, on May 2, 2019.
- 8 59. Speaker for the California Lawyers Association March 3, 2020 Webinar on “Recent
9 Developments in Internet and Privacy Law Affecting California Consumer Financial
10 Service Providers” presented by the Internet and Privacy Law Committee; and, the
11 Consumer Financial Services Committee.
- 12 60. Speaker at San Diego Law School Class Action Forum 2020 on Consumer Class Actions
13 in March 2020.
- 14 61. Speaker for a webinar for CAOC on April 21, 2020 on “Data Breach Basics.”
- 15 62. MTMP (Mass Torts Made Perfect) Connect Webinar Series on Class Action Data
16 Breaches – June 4, 2020.
- 17 63. Speaker at MTMP Class Action Track - October 14, 2020 on "Nuts & Bolts of Mediating
18 a Class Action"
- 19 64. I was given the Wiley W. Manuel Award by the State Bar of California for Pro Bono Work
20 (2017).
- 21 65. Judge Cynthia Bashant, in an order issued December 3, 2020, recognized me as an
22 “experienced class action litigator[] very familiar to [the] Court,” in *McCurely v. Royal Sea*
23 *Cruises, Inc.*, 3:17-cv-00986-BAS-AGS, Dkt. No. 198 (S.D.Cal.).
- 24 66. Speaker at 2021 CAOC Sonoma Virtual Conference on Nuts & Bolts of Fighting
25 Arbitration.
- 26 67. Participant in Zoom webinar for the ARM Industry, Speaker at 2021 CAOC Sonoma
27 Virtual Conference on Nuts & Bolts of Fighting Arbitration.
- 28 68. Participant in Zoom webinar for the ARM Industry, Post-Hunstein, Legal and Operational

1 Insights and a Discussion Amongst Plaintiff's Attorneys (April 29, 2021).

2 69. Speaker at 2021 Palm Springs Seminar Panel on Hot Topics In Mass Tort And Class
3 Actions: What You Don't Know Might Get You Burned. Spoke on *Recent Developments*
4 *in Labeling Class Actions*.

5 70. Participant in Zoom webinar for the ARM Industry, Post-Hunstein, Legal and Operational
6 Insights and a Discussion Amongst Plaintiff's Attorneys (April 29, 2021).

7 71. Speaker for a webinar entitled "Consumer Attorneys Share Their Initial Reactions to
8 Regulation F Confirmation" on February 15, 2022.

9 72. Speaker at CAOC Sonoma Seminar on "Use Of Technology in Litigation In the Pandemic
10 Age", on March 11, 2022.

11 73. Speaker in May of 2022 at the NCLC Conference in Orlando, Florida, on *Understanding*
12 *the FDCPA*.

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

- 14 a. Consumer Attorneys Association of Los Angeles;
- 15 b. The Orange County Bar Association;
- 16 c. Orange County Trail Lawyers Association;
- 17 d. Twice served as former President of the Orange County Chapter of the Iranian
18 American Bar Association;
- 19 e. Member in good standing of National Association of Consumer Advocates;
- 20 f. Member of Consumer Attorneys of California;
- 21 g. Member of the Federal Bar Association;
- 22 h. Member of the Leading Forum of the American Association of Justice;
- 23 i. Member of the American Bar Association;
- 24 j. Public Justice Foundation.

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

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76. 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 that the foregoing is true and correct, executed on September 7, 2022, pursuant to the laws of the State of California.


Abbas Kazerounian

EXHIBIT 1

Date Created	Person	Expense Name	Count	Amount	Expense Total
04/01/2021	Doris Cassab	printing and cert mail postage-CLRA sent to different location	1	\$25.38	\$25.38
04/02/2021	Emily Torromeo	Fax-file (Complaint Packet) AK Visa	1	\$1,460.50	\$1,460.50
05/13/2021	Edith Luna	Sano Attorney Service Inv 2021002409	1	\$175.50	\$175.50
05/19/2021	Edith Luna	One Legal- order number 16311609	1	\$69.49	\$69.49
06/01/2021	Monica Guevara	Filing fee	1	\$9.75	\$9.75
06/29/2021	Edith Luna	Stanley Mosk Court	1	\$10.50	\$10.50
07/29/2021	Edith Luna	Signature Resolution Check Inv 23454	1	\$6,450.00	\$6,450.00
07/29/2021	Edith Luna	Fed Ex tracking number 8168 9628 3744	1	\$62.35	\$62.35
08/10/2021	Edith Luna	Fax e-file	1	\$156.75	\$156.75
08/18/2021	Monica Guevara	Mileage Reimbursement - 102 miles - Pamela	1	\$57.12	\$57.12
08/18/2021	Monica Guevara	Parking Reimbursement - Pam	1	\$38.00	\$38.00
08/24/2021	Monica Guevara	Stanley Mosk Court	1	\$12.00	\$12.00
09/16/2021	Monica Guevara	Stanley Mosk Court	1	\$17.25	\$17.25
09/30/2021	Jason Ibey	Printing-Term Sheet to sign	4	\$0.30	\$1.20
11/12/2021	Monica Guevara	Case Anywhere Inv # 236446	1	\$139.20	\$139.20
12/15/2021	Monica Guevara	One Legal - 17381017	1	\$16.68	\$16.68
01/04/2022	Jason Ibey	Printing-Draft Banner Ads to review	7	\$0.30	\$2.10
01/06/2022	Ellen Ibey	Printing-Proofread/Track Changes to 5 Doc's per JI	13	\$0.30	\$3.90
01/13/2022	Jason Ibey	Printing-Draft motion for prelim. Approval	25	\$0.30	\$7.50
01/27/2022	Monica Guevara	One Legal - 17590544	1	\$16.68	\$16.68
02/08/2022	Monica Guevara	Case Anywhere Inv # 244631	1	\$144.00	\$144.00
03/15/2022	Monica Guevara	Signature Resolution - Inv 31014	1	\$3,000.00	\$3,000.00
03/16/2022	Erika Rendon	Printing, Envelope and Postage	1	\$1.03	\$1.03
03/28/2022	Monica Guevara	One Legal - 17933656	1	\$37.78	\$37.78
04/14/2022	Ellen Ibey	Printing-Motion for Prelim Settlement to prepare tables	17	\$0.30	\$5.10
04/15/2022	Monica Guevara	One Legal - 18048370	1	\$78.96	\$78.96
04/18/2022	Monica Guevara	One Legal - 18049133	1	\$17.19	\$17.19
04/27/2022	Monica Guevara	One Legal - 18109336	1	\$17.19	\$17.19
05/13/2022	Monica Guevara	Case Anywhere Inv # 253000	1	\$198.00	\$198.00
05/25/2022	Monica Guevara	Walmart	1	\$12.93	\$12.93
06/07/2022	Jason Ibey	Printing-Prelim approval hearing binder	177	\$0.30	\$53.10
06/07/2022	Monica Guevara	LA Court	1	\$4.00	\$4.00
07/12/2022	Monica Guevara	One Legal - 18528834	1	\$17.19	\$17.19
07/14/2022	Monica Guevara	Sano Attorney Service Inv 2022004815	1	\$95.00	\$95.00

08/01/2022	Jason Ibey	Printing-Draft class motion, opt out form, IVR Script from Simpluris	13	\$0.30	\$3.90
08/08/2022	Monica Guevara	Case Anywhere Inv # 262819	1	\$168.00	\$168.00
09/02/2022	Jason Ibey	Printing - Draft fee brief to review	18	\$0.30	\$5.40
					\$12,590.62

EXHIBIT 2

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW HAMPSHIRE

* * * * *

KATHLEEN HOLT, JOSE RUVALCABA
 AND STEPHANIE BAUMAN,
 INDIVIDUALLY AND ON BEHALF OF
 ALL OTHERS SIMILARLY SITUATED

*
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 * 17-cv-637-LM
 * January 6, 2020
 * 9:43 a.m.
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v.

FOODSTATE, INC., D/B/A
 MEGAFOOD, D/B/A INNATE RESPONSE
 FORMULAS

* * * * *

TRANSCRIPT OF FAIRNESS HEARING
BEFORE THE HONORABLE LANDYA B. MCCAFFERTY

APPEARANCES:

For the Plaintiffs:

Abbas Kazerounian, Esq.
 Kazerouni Law Group, APC

James D. Kelly, Esq.
 Kelly Law, PLLC

For the Defendant:

Rene P. Tatro, Esq.
 Tatro, Tekosky, Sadwick, LLP

Owen R. Graham, Esq.
 Hinckley, Allen & Snyder, LLP

Court Reporter:

Susan M. Bateman, RPR, CRR
 Official Court Reporter
 United States District Court
 55 Pleasant Street
 Concord, NH 03301
 (603) 225-1453

1 Now, this requirement under 23(a)(4) really
2 has two prongs. First, that the interests of the
3 representative party will not conflict with the
4 interests of any of the class members; and two, that
5 chosen counsel is qualified and experienced and able to
6 vigorously conduct the proposed litigation.

7 All right. So for adequacy first, the
8 conflict between named plaintiffs and class.

9 Plaintiffs allege they have no known conflicts
10 with absent class members, and the Court can discern no
11 such conflict. The main difference between
12 representative plaintiffs and absent class members is
13 that the representatives bought only a handful of
14 covered products while the class includes individuals
15 that bought one of over 500 covered products.

16 Nevertheless, I don't think this difference
17 causes a conflict. All of the covered products are
18 alleged to have the same false labeling that is the
19 focus of plaintiffs' claims. So I don't see how
20 differences in which products the class members
21 purchased would create a conflict that would disable the
22 adequacy prong.

23 Next, class counsel. Class counsel are highly
24 qualified and experienced in consumer class actions,
25 including false advertising claims.

1 And again, all of this is in the record, but I
2 find that Attorney Kazerounian -- am I saying that
3 correctly?

4 MR. KAZEROUNIAN: Kazerounian.

5 THE COURT: Kazerounian?

6 MR. KAZEROUNIAN: Yes, your Honor.

7 THE COURT: Has participated in over 50
8 consumer protection class action suits in the last
9 several years and he also has received extensive
10 training in consumer protection litigation, has given
11 presentations on the subject, including teaching a law
12 school course on consumer law.

13 Attorney Jason Ibey. I believe Attorney Ibey
14 is the attorney who filed the affidavit this morning.
15 90 percent of his practice is devoted to consumer class
16 action. He's also been approved as class counsel in
17 several other class actions and litigated many consumer
18 suits.

19 Attorney Nicholas Barthel, Ninety percent of
20 his practice is devoted to consumer class actions,
21 appears to be a younger lawyer admitted to the
22 California Bar in 2017. However, I find that he is
23 qualified.

24 Attorney Joshua Swigart of Hyde & Swigart
25 spent his whole career litigating consumer rights cases,