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12 Roy Lo

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

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

17 Plaintiff,

18 **v.**

19 **NUTRIBULLET LLC,**

20 Defendant.

Case No.: 21STCV12852

**DECLARATION OF PAMELA E. PRESCOTT IN SUPPORT OF PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES, COSTS, AND SERVICE AWARD**

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



**DECLARATION OF PAMELA E. PRESCOTT**

**I, PAMELA E. PRESCOTT, declare:**

1. I am one of the attorneys for the plaintiff Roy Lo (“Lo”) in the above-captioned action against defendant Nutribullet LLC (“Defendant” or “Nutribullet”). I am over the age of 18 and am fully competent to make this declaration.
2. I am an attorney at Kazerouni Law Group. I am a member in good standing of the bars in California and Minnesota. I am also admitted in every federal district in California, and I have handled litigation in Illinois, Colorado, Florida and Rhode Island.
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 have been highly involved with every aspect of this case since its inception.
6. I am unaware of any conflict of interest between Plaintiff and the Settlement Class members, or between Plaintiff and his counsel in this matter.

**HOURS INCURRED**

7. From January 2021 to the present, I have incurred approximately 54.10 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 mediation, settlement conversations, and motion practice to date.
8. I have spent approximately 21.1 hours preparing for and attending mediation, approximately 4.3 hours on communications regarding the case, approximately 5.6 hours on communicating with my co-counsel, approximately 2.2 hours on communicating with the court, approximately 3.5 hours on communicating with opposing counsel, approximately 13.8 hours on motion practice and approximately 3.6 hours on investigating the claims and drafting the complaint and other pleadings.
9. I anticipate incurring at least 5 hours of additional time through the final approval hearing, for a total of 59.10 hours.
10. Based on my extensive experience litigating consumer class actions as detailed below, I believe my proposed hourly rate of \$300 is fair and reasonable, especially in light of the average rate of other consumer attorneys with similar experience.



1 11. At the \$300 hourly rate and with the 54.10 hours incurred above, my loadstar for this action  
2 is \$16,230 without taking into consideration the estimated additional hours likely to be  
3 incurred. When including 5 anticipated hours, my lodestar is \$17,730.

4 12. Based on my experience, as outlined in more detail below, I believe an hourly rate of \$300  
5 for this matter is fair and reasonable for this class action litigation.

### 6 COUNSEL'S EXPERIENCE

7 13. Since my admission to the State Bar of California in 2019, I have been engaged exclusively  
8 in the area of consumer rights litigation, primarily in the area of fair debt collections, the  
9 defense of debt collection lawsuits, class action litigation under the Telephone Consumer  
10 Protection Act, California's Invasion of Privacy Statute pursuant to Penal Code § 630, *et*  
11 *seq.*, false advertising actions concerning consumer products, unfair competition and other  
12 consumer statutes. As of January 2020, a majority of my practice areas involve consumer  
13 class action litigation.

14 14. I was approved as class counsel for settlement purposes in 2021 in a consumer class action  
15 involving product mislabeling in the matter of *Baumrind v. Brandstorm, Inc.*, 30-2020-  
16 01160083-CU-MC-CXC, 2021 Cal. Super. LEXIS 9571 (Sup. Ct. Orange County Dec. 3,  
17 2021) (finally approved class action settlement for false and misleading claims on the  
18 packaging of a consumer product and approving my hourly rate of \$250).

19 15. Just recently in August of 2022, I was preliminarily approved as class counsel for settlement  
20 purposes for a class action settlement involving unfair debt collection practices under the  
21 RFDCPA and FDCPA. *See Almada v. Kriger Law Firm, A.P.C.*, No. 19-CV-2109 TWR  
22 (MDD), 2022 U.S. Dist. LEXIS 149763, at \*6 (S.D. Cal. Aug. 22, 2022) ("The  
23 Court **APPOINTS** Abbas Kazerounian and Pamela E. Prescott of Kazerouni Law Group,  
24 APC as counsel for the Settlement Class. The Court finds that counsel is competent and  
25 capable of exercising all responsibilities as Class Counsel for the Settlement Class.").

26 16. Some notable published decisions in which I was involved in include:

- 27 a. *Tate v. United States*, No. CV 15-9323 FMO (JPRx), 2021 U.S. Dist. LEXIS  
28 250473, at \*7 (C.D. Cal. Nov. 8, 2021) (granting, in part, plaintiff's motion to  
exclude evidence at trial for a pro bono case under the Federal Tort Claims Act);
- b. *Kamrava v. Cenlar Capital Corp.*, No. 2:20-CV-11465-AB (Ex), 2021 U.S. Dist.  
LEXIS 209314, at \*9 (C.D. Cal. Oct. 7, 2021) (denying defendant's motion to  
bifurcate discovery and permitting plaintiff to proceed with both class and  
individual discovery for RFDCPA and TCPA class action case);

- c. *Phillips v. Royal Appliance Mfg. Co.*, No. 21-cv-987-WQH-KSC, 2021 U.S. Dist. LEXIS 167976, at \*18 (S.D. Cal. Sep. 3, 2021) (granting plaintiffs’ motion to remand to state court in a consumer false advertising case regarding unlawful warranty practices);
- d. *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);
- e. *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).

**ADDITIONAL RELEVANT TRAINING, ENGAGEMENTS,  
 PUBLICATIONS AND ASSOCIATIONS**

- 17. I have written several articles concerning consumer protection law and plaintiff’s litigation, including but not limited to:
  - a. “Entitled”: Why Victims of Sex Discrimination Should Be Entitled to Seek Relief Under Title VII and Title IX published in *California Western Law Review*: Vol. 54: Iss. 2, Article 3.
  - b. “The Fair Access to Credit Act Provides New Protections to California Consumers Against Predatory Lending Practices” published in Volume 39, Number 1, of the *Banking & Financial Services Policy Report* in January 2020.
  - c. “A first-year associate’s survival guide to mediation: What you need to know to get the most out of your first mediation process” published in *Forum Magazine* in June 2020.
  - d. “To Confer Or Not To Confer?: An Overview Of A Federal Rule Of Civil Procedure 30(B)(6) Deposition In Light Of The New Meet And Confer Requirement” – *publication forthcoming*.
- 18. Member of Consumer Attorneys of California (CAOC) - 2020.
- 19. Prior to becoming an attorney, I served as the California Western Law Review, Executive Editor of Notes and Comments, 2018–2019.
- 20. I attended the following relevant MCLE lectures:
  - a. Jay Wheeler Civility Lecture: Civility in the Practice of Law - Upholding Professional Standards with Opposing Counsel - Tuesday, July 28, 2020;

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- b. Serving Client Needs During the Age of COVID; Speaker(s): John H. Gomez; Manny Valdez, Jr.; Lori Sarracino - Friday, June 12, 2020;
- c. Ethical Duties and Electronically Stored Information - February 11, 2020;
- d. Introduction to the Federal Bar – June 24, 2021;
- e. Green Filing - E-filing system on August 18, 2021; and,
- f. PAGA After the Viking River Cruises Decision, July 15, 2002 webinar.

I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on September 6, 2022.

By:   
Pamela E. Prescott

