

KAZEROUNI LAW GROUP, APC
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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

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| <p>12 SABER AMHED and JOHN MONTELEONE, individually and 13 on behalf of all others similarly situated, 14 Plaintiffs, 15 v. 16 HSBC BANK USA, N.A. et. al., 17 Defendants. 18 19 20 21 22 23</p> | <p>Case No.: 5:15-cv-02057-FMO-SP DECLARATION OF JASON A. IBEY IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS AND SERVICE AWARDS JUDGE: Fernando M. Olguin</p> |
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DECLARATION OF JASON A. IBEY

I, Jason A. Ibeay, declare:

1. I am co-counsel for plaintiffs SABER AHMED and JOHN MONTELEONE (the “Plaintiffs”) in the above-captioned action against defendants HSBC BANK USA, N.A. (“HSBC”) and PHH MORTGAGE CORPORATION (“PHH,” together the “Defendants”).
2. I am over the age of 18 and am fully competent to make this declaration.
3. I am an attorney admitted to the State Bar of California on November 26, 2012, and have been a member in good standing since that time. I was admitted to the State Bar of Utah on May 15, 2018, and have been a member in good standing since that time. I am also admitted in every federal district in California and have handled federal litigation in the federal districts of California.
4. I currently reside in the State of Utah, having moved from California in mid-2017.
5. I have personal knowledge of the following facts and, if called upon as a witness, could and would competently testify thereto, except as to those matters which are explicitly set forth as based upon my information and belief and, as to such matters, I am informed and believe that they are true and correct.
6. I am a senior associate at Kazerouni Law Group, APC, and have worked on this action (filed on October 6, 201) since November of 2015.
7. I am writing this declaration in support of the Plaintiffs’ Motion for Attorneys’ Fees, Costs and Service Awards.
8. I was one of the attorneys for Plaintiff who participated in the private mediations before the Honorable Hay C. Gandhi (Ret.) of JAMS on April

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1 20, 2018 and also on December 5, 2018, culminating in a class action
2 settlement agreement between the parties.

3 **HOURS INCURRED**

4 9. As of approximately August 21, 2019, I have incurred approximately 206.40
5 hours on this litigation. Specifically, I have incurred approximately 1.4 hours
6 working on the pleadings and investigation; approximately 0.6 in preparing
7 for hearings; approximately 14 hours in communications with opposing
8 counsel and the Court; approximately 82.7 hours on motion practice and
9 document review; approximately 0.1 hours communicating with an expert;
10 approximately 9.6 hours on travel for mediation; approximately 35 hours to
11 prepare for and attend mediation in California; approximately 4.3 hours on
12 discovery; approximately 23.5 hours communicating with co-counsel; and
13 approximately 35.2 hours on administrative tasks, including communications
14 with the settlement administrator and assisting responses to settlement class
15 members inquiries. All of these hours were logged contemporaneously in the
16 normal course of business.

17 10. I anticipate incurring at least 16 hours of additional time through final
18 approval, including to assist with drafting the motion for final approval and
19 assisting with any *cy pres* distribution of unclaimed funds, for a total of
20 222.40 hours.

21 11. My hourly rate for this matter is \$405.

22 12. I was approved for an hourly rate of \$405 in *Ronquillo-Griffin v. TransUnion*
23 *Rental Screening Sols., Inc.*, No. 17cv129 JM (BLM), 2019 U.S. Dist. LEXIS
24 79021, at *27 (S.D. Cal. May 9, 2019).

25
26 **GENERAL LITIGATION EXPERIENCE**

27 13. I predominantly practice in the Southern District of California and Central
28 District of California; however, I have litigated numerous cases in each of

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1 the district courts in California. I have also litigated cases in district courts
2 outside of California on a *pro hac vice* basis.

3 14. I practice law almost exclusively in the area of consumer actions, with over
4 90% of my legal practice dedicated to consumer class actions. I have been
5 involved in litigating several dozens of consumer class actions, obtaining
6 class certification status in five contested cases.

7 15. I have actively participated in at least 12 private mediations involving
8 putative class actions involving consumer rights.

9 16. I have assisted with drafting six appellate briefs before the Ninth Circuit
10 Court of Appeals.

11 17. I have presented oral argument before the Ninth Circuit Court of Appeal on
12 two different consumer rights matters:

- 13 a. *Chad Carter v. Rent-A-Center, Inc.*, No. 16-15835 (oral argument
14 held on October 20, 2017); and,
15 b. *Karmen Self-Forbes v. Advanced Call Center Techno.*, No. 17-
16 15804 (oral argument held on August 16, 2018; obtained reversal
17 of the defendant's motion for summary judgment).

18 18. I presently serve as, or have served as, class counsel in the following
19 consumer actions:

- 20 a. *Fox v. Spectrum Club of Santa Barbara*, No. 16CV00050
21 (Superior Court of Santa Barbara) (served as class counsel in
22 finally approved class action settlement);
23 b. *Couser v. Dish One Satellite, LLC*, 5:15-cv-02218-CBM-DTB
24 (C.D. Cal.) (served as class counsel in finally approved class action
25 settlement);
26 c. *Barrow v. JPMorgan Chase Bank, N.A.*, 1:16-cv-03577-AT (N.D.
27 Ga) (served as class counsel in finally approved class action
28 settlement);

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1 d. *Ayala et al v. Triplepulse, Inc.*, BC655048, Los Angeles Superior
2 Court (Nov. 13, 2018) (served as class counsel in finally approved
3 class action settlement); and,

4 e. *Holt v. Noble House Hotels & Resort, Ltd.*, No. 17cv2246-MMA
5 (BLM)) 2018 U.S. Dist. LEXIS 177940 (S.D.Cal. Oct. 16, 2018)
6 (appointed one of class counsel; action is now dismissed).

7 19.I have contributed significantly to several consumer class actions in which a
8 favorable published decision was issued, including but not limited to the
9 following cases:

10 a. *Adame v. Ally Fin., Inc.*, No. 2:17-cv-01654-SVW-KS, 2017 U.S.
11 Dist. LEXIS 135479 (C.D.Cal. Aug. 23, 2017) (Denying defendant’s
12 motion to compel arbitration);

13 b. *Rahmany v. T-Mobile USA Inc.*, 717 F.App'x 752 (9th Cir. 2018)
14 (reversing order granting defendant’s motion to compel arbitration);

15 c. *Marks v. Crunch San Diego, LLC*, No. 14-56834, 904 F.3d 1041 (9th
16 Cir. Sept. 20, 2018) (reversing summary judgment granted to
17 defendant; and defining “automatic telephone dialing system” under
18 the Telephone Consumer Protection Act);

19 d. *Holt v. Noble House Hotels & Resort, Ltd.*, No. 17cv2246-MMA
20 (BLM)) 2018 U.S. Dist. LEXIS 177940 (S.D.Cal. Oct. 16, 2018)
21 (granting class certification in action for alleged unlawful surcharge).

22 20.I have also contributed significantly to several TCPA class action
23 settlements, including but not limited to the following:

24 a. *Barrow v. JPMorgan Chase Bank, N.A.*, Case No. 1:16-cv-03577-AT
25 (N.D. Georgia) (final settlement approval wit common fund of
26 \$2,250,000);
27
28

- 1 b. *Abdeljalil v. GE Capital Retail Bank*, 12-cv-02078–JAH–MDD (S.D.
2 Cal.) (counsel in action given class certification status; final
3 settlement approval granted);
- 4 c. *Barrett v. Wesley Financial Group, LLC, et al.*, 13-cv-00554-LAB-
5 KSC (S.D. Cal.) (counsel in action granted class action status;
6 judgment entered for the Plaintiff and Class Members for injunctive
7 relief prohibiting future calls without consent);
- 8 d. *Sherman v. Kaiser Foundation Health Plan, Inc.* 3:13-cv-00981-JAH-
9 JMA (S.D. Cal.) (counsel in finally approved settlement for
10 \$5,350,000);
- 11 e. *Newman v. AmeriCredit*, 11-cv-03041-DMS-BLM (S.D. Cal.)
12 (assisted with finally approved settlement for \$8,500,000 on
13 November 26, 2014);
- 14 f. *Knutson v. Schwan’s Home Service, Inc. et al.*, 12-cv-00964-GPC-
15 DHB (S.D. Cal.) (finally approved for \$ 2,535,280);
- 16 g. *Barani v. Wells Fargo Bank, N.A.*, 12-CV-02999-GPC-KSC (S.D.
17 Cal.) (counsel in finally approved for \$1,033,361.95);
- 18 h. *Fox v. Asset Acceptance, LLC*, 4-cv-00734-GW-FFM (C.D. Cal. July
19 1, 2016) (counsel in finally approved for common fund of \$1,000,000;
20 \$200,000 cash and \$800,000 debt relief, in TCPA case).

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22 **PUBLICATIONS**

23 21. An article that I wrote on California’s Invasion of Privacy Act under Cal.
24 Pen. Code 630, *et seq.* was published in the May 2018 edition of Plaintiff
25 magazine.

26
27 22. I wrote an article entitled, *Think twice before filing that Article III challenge*,
28 which was published in the Daily Journal on November 1, 2016.

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23. An article that I wrote on the Telephone Consumer Protection Act, entitled, *Those annoying robo calls and the changing standard of prior express consent*, was published in the March 2015 edition of Plaintiff magazine.

MEMBERSHIPS

24. I am a member of the following organizations:
- a. The National Association of Consumer Advocates;
 - b. Consumer Attorneys of California;
 - c. The American Bar Association;
 - d. St. George, Utah Chapter of the J. Reuben Clark Law Society.

I declare under penalty of perjury that the foregoing is true and correct, executed on September 5, 2019, pursuant to the laws of the United States and the State of California at St. George, Utah.

/s/ Jason A. Ibey
Jason A. Ibey

CERTIFICATE OF SERVICE

I, Adrienne D. McEntee, hereby certify that on September 26, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DECLARATION OF JASON A. IBEY IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS
AND SERVICE AWARDS - 7

CASE No. 5:15-CV-2057-FMO-SP

1 DATED this 26th day of September, 2019.

2 TERRELL MARSHALL LAW GROUP PLLC

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4 By: /s/ Adrienne D. McEntee, Pro Hac Vice
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DECLARATION OF JASON A. IBEY IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS
AND SERVICE AWARDS - 8

CASE No. 5:15-cv-2057-FMO-SP