

1 **LAW OFFICES OF TODD M. FRIEDMAN, P.C.**

2 Todd M. Friedman, Esq. (SBN: 216752)

3 tfriedman@attorneysforconsumers.com

4 324 S. Beverly Dr., #725

5 Beverly Hills, CA 90212

6 Telephone: (877) 206-4741

7 Facsimile: (866) 633-0228

8 Attorneys for Plaintiff and Proposed

9 Settlement Class

10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 **PAUL STEMPLER, Individually**
14 **and on Behalf of all Others**
15 **Similarly Situated,**

16 **Plaintiff,**

17 **v.**

18 **QC HOLDINGS, INC.,**

19 **Defendant.**

20 **Case No.: 12-cv-01997-BAS-WVG**

21 **DECLARATION OF TODD M.**
22 **FRIEDMAN IN SUPPORT OF**
23 **PLAINTIFF'S MOTION FOR**
24 **ATTORNEYS' FEES, COSTS AND**
25 **INCENTIVE PAYMENT**

26 **Date:** November 7, 2016

27 **Time:** 10:30 a.m.

28 **Place:** Courtroom 4B

Judge: Hon. Cynthia Bashant

DECLARATION OF TODD M. FRIEDMAN

I, Todd M. Friedman, declare:

1. I am one of the attorneys for the plaintiff in this action, Paul Stemple (“Mr. Stemple” or “Plaintiff”). I am an attorney licensed to practice law in the State of California since 2001, the State of Illinois since 2002, and the State of Pennsylvania since 2011. I have been continuously licensed in California since 2001, Illinois since 2002, and Pennsylvania since 2011, and am in good standing with the California State Bar, Illinois State Bar, and Pennsylvania State Bar. I have litigated cases in both state and federal courts in California and Illinois. I am also admitted in every Federal district in California and have handled federal litigation in the federal districts of California.
2. This declaration is based upon my personal knowledge, except where expressly noted otherwise.
3. I am writing this declaration in support of Plaintiff’s Motion for Attorneys’ Fees, Costs and Incentive Payment.
4. In my opinion, the Settlement Agreement was the result of good faith, arm’s length settlement negotiations over many months, including one full-day mediation session before the Hon. Judge Leo S. Wagner (Ret.), and one half-day mediation session before the Hon. Judge Leo S. Papas (Ret.).

I. COUNSEL’S EXPERIENCE

5. The law Offices of Todd M. Friedman, P.C., has been preliminarily approved as Class Counsel for purposes of this action and proceeding with the nationwide settlement.
6. I believe that my experience in this practice area in California is sufficient to justify my hourly billing rate in this case of \$595 per hour. To that end, I

1 hereby submit for the court's consideration my qualifications and a
2 summary of my experience which justify that hourly rate.

3 7. As one of the main plaintiff litigators of consumer rights cases in Southern
4 of California, I have been requested to and have made regular presentations
5 to community organizations regarding debt collection laws and consumer
6 rights.

7 8. I have extensive experience prosecuting cases related to consumer issues.
8 My firm, The Law Offices of Todd M. Friedman, P.C., in which I am a
9 principal, has litigated over 1000 individual based consumer cases and
10 litigated over 60 consumer class actions. These class actions were litigated
11 in federal courts in California, as well as California State Courts.
12 Approximately 100% percent of my practice concerns consumer litigation
13 in general, and approximately 50% percent of my class action practice
14 involves litigating claims under the Telephone Consumer Protection Act, 47
15 U.S.C. §§ 227 et seq. ("TCPA"). Therefore, my experience in litigating
16 class actions and my years in practice allow me to provide outstanding
17 representation to the Settlement Class. I will continue to strive to fairly,
18 responsibly, vigorously and adequately represent the settlement class
19 members in this action.

20 9. I have served as plaintiff's counsel in at least the following cases involving
21 various consumer rights claims (including class actions claims) under the
22 TCPA:

23 a. *Vacarro v. I.C. Systems, Inc.*, 12-CV-02371-JAH-NLS (S.D. Cal.);

24 b. *Rivera v. Nuvel Credit Company LLC*, 13-CV-00164-TJH-OP (E.D.
25 Cal.);

26 c. *Dancer v. L.A. Times*, BC472154 (L.A. Superior Court);

27 d. *Abdejalil v. GE Capital Retail Bank*, 3:12-cv-02078-IEG-RBB (S.D.
28 Cal.);

- 1 e. *Groina v. Doc Prep Solutions*, 3:12-cv-02578-BTM-BGS (S.D. Cal.);
2 f. *Alexander v. Manasseh Jordan Ministries*, 3:12-cv-02584-IEG-BLM
3 (S.D. Cal.);
4 g. *Neuls v. Dish Network*, 1:13-cv-01181-WJM-KMT (D. CO.);
5 h. *Lecesse v. My Financial Gateway*, 3:12-cv-02375-JLS-KSC (S.D.
6 Cal.);
7 i. *Auerbach v. Successful Education Online, LLC*, 3:12-cv-05248-JSC
8 (N.D. Cal.);
9 j. *Raffin v. E-Choice Healthcare LLC*, 3:12-cv-02517-LAB-BLM (S.D.
10 Cal.);
11 k. *Olney v. Job.com*, 1:12-cv-01724-LJO-GSA (E.D. Cal.);
12 l. *Couser v. Legal Shield*, 3:12-cv-02575-LAB-WVG (S.D. Cal.);
13 m. *Langley v. Homeward Residential*, 2:12-cv-02623-JAM-EFB (E.D.
14 Cal.);
15 n. *Hunter v. Palisades Collection*, 3:12-cv-02401-JAH-JMA (S.D. Cal.);
16 o. *Couser v. Worldwide Commerce Associates, LLC*, 3:13-cv-00118-H-
17 BGS (S.D. Cal.);
18 p. *Tarizzo v. United Agencies, Inc., Et Al.*, CV12-10248 JFW (MRWx)
19 (C.D. Cal.);
20 q. *Richard Chen v. National Enterprise Systems*, 3:12-cv-05910-JCS
21 (N.D. Cal.);
22 r. *Couser v. Apria Healthcare, Inc.* 8:13-cv-00035-JVS-RNB (C.D.
23 Cal.);
24 s. *Willis, Et Al. v. Chase Retail Services, Et Al.*, CV12-10252 DMG
25 (SHx) (C.D. Cal.);
26 t. *French v. Target*, 0:13-cv-02626 (District of MN);
27 u. *Williams v. Credit Management, LP*, 5:12-cv-01924-TJH-OP (C.D.
28 Cal.);

- 1 v. *Murdock v. Western Dental Services, Inc.*, 3:12-cv-02449-GPC-BLM
2 (S.D. Cal.);
- 3 w. *Senesac v. Santander*, 3:12-cv-1193-J-20JRK (M.D. FL.);
- 4 x. *Kielbasinski v. American Publishing Co.*, 841 Civil 2012 (Somerset
5 County, PA);
- 6 y. *Friedman, Et Al. v. United American Insurance Company*,3:12-cv-
7 02837-IEG-BGS (S.D. Cal.);
- 8 z. *Malis v. Saveology.com, LLC*, 2:13-cv-10013-BAF-LJM (E.D. MI.);
- 9
- 10 aa. *Blotzer v. Vital Recovery Services, Inc.*, 3:13-cv-00119-H-JMA (S.D.
11 Cal.);
- 12 bb. *Friedman v. Massage Envy*, 2:13-cv-04607-JAK-FFM (C.D. Cal.);
- 13 cc. *Labou v. Cellco Partnership, et al*, 2:13-cv-00844-MCE-EFB (S.D.
14 Cal.);
- 15 dd. *Pacleb v. Career Education Corporation*, 2:13-cv-03090-R-FFM
16 (C.D. Cal.);
- 17 ee. *McNally v. Commonwealth Financial Systems, Inc. et al*, 3:12-cv-
18 02770-IEG-MDD (S.D. Cal.);
- 19 ff. *Franco v. Consumer Portfolio Services, Inc.*, 3:13-cv-01364-EDL
20 (N.D. Cal.);
- 21 gg. *Zimmer, Jr. v. 24 Hour Fitness, et al*, NC057484 (L.A. Superior
22 Court);
- 23 hh. *Webb v. Healthcare Revenue Recovery Group, LLC*, 3:13-cv-00737-
24 RS (N.D. Cal.);
- 25 ii. *Couser v. Central Credit Services, Inc.*, 3:12-cv-02424-LAB-WMC
26 (S.D. Cal.);
- 27 jj. *Abdeljalil v. General Electric Capital Corporation*, 12-CV-02078-
28 IEG-RBB (S.D. Cal.);

- 1 kk. *Rivera v. Nuvel Credit Company et al*, 5:13-cv-00164-TJH-OP (C.D.
2 Cal.);
3 ll. *Blotzer v. Dura Medic, LLC*, 2:13-cv-00675-JAK-JCG (C.D. Cal.);
4 mm. *Foote v. Credit One Bank*, 2:13-cv-00512-MWF-PLA (C.D. Cal.);
5 nn. *Rodriguez v. Real Time Resolutions*, 3:13-cv-00728-JM-RBB (S.D.
6 Cal.);
7 oo. *Couser v. Financial Recovery Services, Inc.*, 3:12-cv-02541-CAB-
8 WVG (S.D. Cal.);
9 pp. *Friedman v. LAC Basketball Club, Inc.*, 2:13-cv-00818-CBM-AN
10 (C.D. Cal.); and,
11 qq. *Chen v. Allstate Insurance Company, et al*, 3:13-CV-00685-LB (N.D.
12 Cal.).

13 10. I have been appointed class counsel for the purpose of final approval of class
14 action settlements in five previous cases: (1) *Ari Friedman v. LAC Basketball*
15 *Club, Inc.*, 13-cv-00818-CBM-AN; (2) *Adrienne Dancer v. The Los Angeles*
16 *Times Communications LLC*, BC472154; (3) *Carrie Couser v. Comenity*
17 *Bank*, 12-cv-02484-MMA-BGS; (4) *Sayan Aboudi v. T-Mobile*, 12-cv-02169-
18 *BTM-NLS*; and (5) *Ann Fox v. Asset Acceptance, LLC*, 2:14-cv-00734-GW-
19 *FFM*.

20 11. I have been approved for an hourly rate of \$595 in *Sayan Aboudi v. T-Mobile*,
21 12-cv-02169-BTM-NLS .

22 12. Therefore, I believe that my experience and years in practice are sufficient
23 to justify my hourly billing rate in this case of \$595 per hour.

24 **II. OVERVIEW OF LAW OFFICES OF TODD M. FRIEDMAN, P.C.’S**
25 **EFFORTS IN THIS ACTION**

26 **A. CONTINGENT NATURE OF ACTION**

27 13. This action, filed on August 13, 2012, required the Law Offices of Todd M.
28 Friedman, P.C. to spend time on this litigation that could have been spent on

1 other matters. At various times during the litigation of this class action, this
2 lawsuit has consumed my time as well as my firm's resources. My firm has
3 not been paid anything for our work on this case since it was filed. It is my
4 opinion that law firms in such a position expect to receive a multiplier in
5 cases such as these because of the risk taken, the extent to which firms are
6 unable to take on other cases, the delay in getting paid and the costs we have
7 to advance.

8 **B. LAW OFFICES OF TODD M. FRIEDMAN, P.C.'S LODESTAR**

9 14. Law Offices of Todd M. Friedman, P.C. has maintained contemporaneous
10 time records since the commencement of this action. I have incurred 120.2
11 hours of attorney time for this case, with a total lodestar of \$64,307. I
12 anticipate incurring an additional 10-20 hours through final approval.

13 **C. LAW OFFICES OF TODD M. FRIEDMAN, P.C.'S COSTS**

14 15. My firm has incurred litigation costs in this matter in the amount of
15 \$15,426.84, for which my firm is seeking reimbursement.

16 **D. REASONABLENESS OF HOURLY RATES**

17 16. Law Offices of Todd M. Friedman, P.C.'s hourly rates are reasonable in
18 respect to the ranges charged by comparable law firms in the State of
19 California. The hourly rate sought in this matter of \$595.

20 I declare under penalty of perjury that the foregoing is true and correct.
21 Executed on August 2, 2016, pursuant to the laws of the United States and the
22 State of California at Los Angeles, California.

23
24 /s/ Todd M. Friedman
25 Todd M. Friedman
26
27
28