

Kazerouni Law Group, APC  
Costa Mesa, California

**KAZEROUNI LAW GROUP, APC**  
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Attorneys for the Plaintiff and Proposed  
Settlement Class

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

<p><b>PAUL STEMPLER, Individually and on Behalf of All Others Similarly Situated,</b></p> <p><b>PLAINTIFF,</b></p> <p><b>V.</b></p> <p><b>QC HOLDINGS, INC.,</b></p> <p><b>DEFENDANT.</b></p>	<p><b>Case No.:</b> 12-CV-01997-BAS-WVG</p> <p><b>DECLARATION OF JOSHUA B. SWIGART IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT</b></p> <p><b>Date:</b> November 7, 2016 <b>Time:</b> 10:30 a.m. <b>Place:</b> Courtroom 4B <b>Judge:</b> Hon. Cynthia Bashant</p>
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**DECLARATION OF JOSHUA B. SWIGART**

**I, JOSHUA B. SWIGART, declare:**

1. I am a partner of the law firm of Hyde & Swigart and co-counsel of record for plaintiff Paul Stemple (“Plaintiff”) in the above-captioned action against defendant QC Holdings, Inc. (“Defendant”). I am a member in good standing of the bar of the State of California.
2. I am writing this declaration in support of Plaintiff’s Motion for Final Approval of Class Action Settlement. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so. The declaration is based upon my personal knowledge, except where expressly noted otherwise.

**SUMMARY OF CASE HISTORY**

3. I have been preliminarily approved as Class Counsel in this matter.
4. I have been involved in this case from inception through the present. I have assisted with claims administration and responded to Class Members’ inquiries.

**ADEQUACY OF SETTLEMENT**

5. I have been informed by the Claims Administrator that 1,320 claims to the Settlement were received out of approximately 31,230 Settlement Class Members thus far. In my experience, this equates to a higher than typical participation rate.
6. I have reviewed information provided by the Claims Administrator regarding the number of claims submitted and the single request to opt-out of the Settlement. In my opinion, based upon the many years of experience in civil litigation and several years of experience in litigating class actions (including TCPA class actions), and based upon the facts of this case, the number of class members, and the other circumstances, I believe the Settlement is fair and reasonable. Therefore, I believe the settlement merits

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1 Court approval.

2 7. Those persons not in the Class could not file a claim for a monetary  
3 payment, but I believe they will also benefit from the Settlement because  
4 the Settlement will likely serve as a deterrent to future violations of the  
5 TCPA.

6 **CLASS COUNSEL EXPERIENCE**

7 8. I have outlined my experience in the Declaration of Joshua B. Swigart in  
8 Support of Motion for Award of Attorneys' Fees, Costs and Incentive  
9 Payment to be heard at the same time as this motion (Dkt. No. 109-11), I  
10 will not be repeating it here for sake of brevity.

11 I declare under penalty of perjury under the laws of California and the  
12 United States of America that the foregoing is true and correct, and that this  
13 declaration was executed on August 15, 2016.

14  
15 By: /s/ Joshua B. Swigart  
16 Joshua B. Swigart  
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