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Attorneys for the Plaintiff and Proposed
Settlement Class

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

<p>PAUL STEMPLE, Individually And On Behalf of All Others Similarly Situated,</p> <p>PLAINTIFF,</p> <p>V.</p> <p>QC HOLDINGS, INC.,</p> <p>DEFENDANT.</p>	<p>Case No.: 12-cv-01997-BAS-WVG</p> <p>PLAINTIFF’S SUPPLEMENTAL BRIEFING IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT</p> <p>Date: November 7, 2016 Time: 10:30 a.m. Place: Courtroom 4B Judge: Hon. Cynthia Bashant</p> <p>[Declaration of Abbas Kazerounian; and Declaration of Marc Wall]</p>
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1 **I. INTRODUCTION**

2 Paul Stemple (“Mr. Stemple” or “Plaintiff”) submits this supplemental
3 briefing in support of the Motion for Final Approval of Class Action Settlement
4 (“Final Approval Motion”) in this action against Defendant QC Holdings (“QC
5 Holdings” or “Defendant”). Having considered updated information from the
6 Claims Administrator, Class Counsel continue to believe the Settlement should be
7 finally approved. Declaration of Abbas Kazerounian (“Kazerounian Decl.”), ¶ 4,
8 filed herewith.

9 **II. CLAIMS SUBMITTED**

10 Class Members were permitted to submit a claim online via the settlement
11 website or by submitting a claim form by mail. *See* Declaration of Marc Wall
12 (“Wall Decl.”), ¶ 4, filed herewith. The deadline to submit a claim was August 23,
13 2016. *Id.* As of October 19, 2016, the Claims Administrator has received 1,520
14 claims, 705 were filed online and 815 were received by mail, *id.* at ¶ 6. Also, there
15 are 828 deficient claims, 35 duplicate claims, and 17 late claims, *id.* at ¶ 9.

16 **A. Valid Claims**

17 There were 1,520 total claims received, with 640 valid claims to the
18 Settlement. This figure for valid claims includes 19 deficient claims that have
19 been cured, as well as 2 late claims that were received by August 31, 2016.¹ *See*
20 Walls Decl., ¶ 8. The Claims Administrator received 6 claims postmarked after
21 August 23, 2016 and by August 31, 2016, only 2 of which match information on
22 the class list. *Id.* This represents a claims rate of approximately 3.05% (640 valid
23 claims out of 20,953² unique records for the Settlement Class Members).

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25 _____
26 ¹ The Parties have agreed to accept late claims that were postmarked by August
27 31, 2016, subject to Court approval. Kazerounian Decl., ¶ 5. Should the Court
28 not accept late claims received as of August 31, 2016, the total number of valid
and timely claims would be reduced by 2, to 638 valid claims.

² *See* Wall Decl., ¶ 3.

B. Deficient Claims

The Claims Administrator reviewed claims for three potential deficiencies: 1) failure to provide signature; 2) failure to provide cellular telephone number; and 3) failure to provide a cellular telephone number matching a telephone number on the class list. Wall Decl., ¶ 7. The Claims Administrator received 846 deficient claims. *Id.* at ¶ 9. On September 23, 2016, 846 deficiency letters were mailed by the Claims Administrator. *Id.* at ¶ 7. The claimants were advised of the reason for the deficiency and afforded 21 days to cure their deficient claims. *Id.* The deficiency letters were sent to 471 known claimants and 385 unknown claimants. *Id.* Of the 61 responses received, 19 deficiencies were cured. *Id.* Thus, 828 claims remain deficient. *Id.* at ¶ 9.

C. Duplicate Claims

The Claims Administrator also sent letters to persons who submitted a duplicate claim and the claimants were advised they had 14 days to notify the Claims Administrator if the claims were meant to be unique claims and to provide supporting information. Wall Decl., ¶ 7. The deadline to provide responses to such letters has passed. *Id.*

III. REQUESTS FOR EXCLUSION

Only 1 letter requesting exclusion from the Settlement was received. Wall Decl., ¶ 5. The deadline to request exclusion from the Settlement was September 2, 2016. *Id.* The person/s requesting exclusion is/are Charline Cravens/Wayne Cravens of Illinois. *Id.*

IV. OBJECTIONS

No objections to the Settlement have been received. Kazerounian Decl., ¶ 6. The deadline to request exclusion from the Settlement was September 2, 2016.

V. NOTICE AND SETTLEMENT ADMINISTRATION EXPENSES

According to the Claims Administrator, notice and settlement administration costs are no expected to exceed \$216,000. Wall Decl., ¶ 10.

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1 **VI. CLASS MEMBER RECOVERY**

2 Based on 640 valid claims and claims administration costs not expected to
3 exceed \$216,000, the anticipated per class member recovery is approximately
4 \$1,217.18.

5 **VII. CONCLUSION**

6 In sum, Plaintiff respectfully requests that the Court grant final approval of
7 the class action Settlement in this matter. An updated proposed final approval
8 order will be lodged with the Court concurrently with this filing.

9
10 Dated: October 21, 2016

KAZEROUNI LAW GROUP, APC

11
12 By: /s/ Abbas Kazerounian
13 ABBAS KAZEROUNIAN, ESQ.
14 Attorney for Plaintiff

15
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24 **LAW OFFICES OF TODD M. FRIEDMAN, P.C.**

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

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

I, ABBAS KAZEROUNIAN, declare:

1. I am one of the lead attorneys for the plaintiff Paul Stemple (“Plaintiff”) in this action against QC Holdings, Inc. (“Defendant”). I am over the age of 18 and am fully competent to make this declaration. I was admitted to the State Bar of California in 2007 and have been a member in good standing ever since that time.
2. If called as a witness, I would competently testify to the matters herein from personal knowledge. This declaration is based upon my personal knowledge, except where expressly noted otherwise.
3. I submit this declaration in support of the Plaintiff’s Supplemental Briefing In Support of Motion for Final Approval of Class Action Settlement.
4. Having considered updated information from the Claims Administrator in the supplemental declaration of Marc Wall signed dated October 19, 2016, Class Counsel continue to believe the Settlement should be finally approved.
5. The Parties have agreed to accept late claims that were postmarked by August 31, 2016, subject to Court approval.
6. No objections to the Settlement have been received by Class Counsel, nor have any objections to the Settlement been filed with the Court.

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 October 21, 2016.

By: /s/ Abbas Kazerounian
Abbas Kazerounian

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Costa Mesa, California

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11 *Attorneys for Plaintiff and the Class*

12
 13 UNITED STATES DISTRICT COURT
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 Case No.: 12-CV-1997-CAB-WVG

17 PAUL STEMPLER, individually and on
 18 behalf of all others similarly situated,
 19 Plaintiff,

20 v.

21
 22 QC HOLDINGS, INC.,
 23 Defendant.

16
 17 **SUPPLEMENTAL**
 18 **DECLARATION OF MARC**
 19 **WALL IN SUPPORT OF**
 20 **PLAINTIFF'S MOTION FOR**
 21 **FINAL APPROVAL**

1 I, Marc Wall, declare:

2 1. I submit this declaration to provide the Court and the Parties to the
3 above-captioned litigation with updated information regarding the claims
4 administration process implemented since the filing of my previous declaration on
5 August 11, 2016. I am over 21 years of age and am not a party to this action. I
6 have personal knowledge of the facts set forth herein and, if called as a witness,
7 could and would testify competently thereto.

8 2. I am employed as a Senior Project Manager by Kurtzman Carson
9 Consultants LLC ("KCC"), which is located at 3301 Kerner Blvd in San Rafael,
10 California. The Court appointed KCC to serve as Claims Administrator in its
11 Order Granting Motion for Preliminary Approval of Nationwide Class Action
12 Settlement and Certification of Settlement Class ("Order") which was entered on
13 April 25, 2016.

14 3. The Settlement Class Member master mailing list was prepared from
15 records obtained from Defendant. On or about April 27, 2016, KCC obtained
16 from Defendant two spreadsheets that identified the known cellular phone
17 numbers and the account holder or customer names and addresses, where available
18 and applicable. These two spreadsheets represent the "Original Data" from which
19 the mailing list was created and the cellular phone numbers submitted by claimants
20 were checked. Prior to sending the Notices, reverse phone number searches were
21 performed to obtain mailing information. The names and addresses on these
22 electronic lists were processed through the National Change of Address database
23 to update any changes of address on file with the United States Postal Service
24 ("USPS"). KCC removed duplicate and incomplete records from the lists and
25 combined the lists into a single master mailing list containing 20,952 records.
26
27
28

1 4. The Claim Forms used in this matter require potential Settlement
2 Class Members to identify the cellular phone number they contend was called
3 in violation of the Telephone Consumer Protection Act. Claimants could
4 submit their claim online through the case settlement website, complete the
5 double postcard notice they received or a long form claim form with the
6 requested information and return it via U.S. mail. The deadline in which to file
7 a claim in this matter was August 23, 2016. Counsel has agreed to accept
8 otherwise valid claims as long as they were received or postmarked by August
9 31, 2016.

10 5. Written requests for exclusion from the Settlement Class were
11 required to be mailed and postmarked no later than September 2, 2016. As
12 mentioned in my previous declaration, KCC received only one request for
13 exclusion from Charline Cravens/Wayne Cravens in Villa Grove, Illinois. This
14 is the only exclusion received by KCC in this matter. I am aware of no
15 objections to the settlement being filed and KCC has not received any
16 objections.

17 6. As of the date of this declaration, KCC has received 1,520 claims,
18 705 claims were filed online and 815 claims were submitted via U.S. mail.

19 7. KCC reviewed claims for the following three possible deficiencies
20 – the failure to provide a signature, the failure to provide a cellular phone
21 number and the failure to provide a cellular phone number that matched a
22 number provided in the Original Data. On some occasions, claimants would
23 identify more than one phone number on the claim form. In those instances
24 where claimants provided multiple numbers, all numbers listed were checked
25 against the Original Data. If the phone number provided by the Settlement
26 Class Member matched a phone number contained in the records provided by
27
28

1 Defendant, the claim is considered “valid.” If the claim form was incomplete or
2 the Settlement Class Member provides a cellular phone number that was not on
3 the list of those called by Defendant, the claimant was sent a deficiency letter.
4 On September 23, 2016, 846 deficiency letters were sent to all claimants who
5 had one or more deficiencies. The letters identified the specific deficiencies
6 and advised claimants that they had 21 days to cure the deficiency. The
7 deficiency letters were sent to 461 known claimants and 385 unknown
8 claimants. “Unknown” claimants are claimants who submitted claims without
9 reference to any claim identification number. Of the 61 responses received to
10 the deficiency letters, 19 deficiencies were cured. Duplicate letters were sent
11 on October 3, 2016 and claimants were advised that they had 14 days to notify
12 KCC if the claims were meant to be unique claims along with any supporting
13 information. The deadline to provide responses to these letters has passed.
14

15 8. KCC received 19 claims postmarked after the August 23, 2016
16 claims filing deadline. Counsel had agreed to include any claims postmarked
17 by August 31, 2016 as “valid” provided the number the claimant had submitted
18 matched the Original Data. Of the six claims postmarked by that August 31,
19 2016 date, only two matched back to the Original Data.

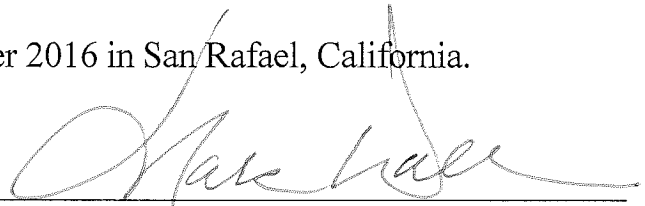
20 9. Of the 1,520 claims received to date, there are 640 valid claims,
21 828 remaining deficient claims, 35 duplicate claims and 17 late claims.

22 10. KCC estimates the total administrative fees and costs (assuming
23 the scope of the work listed in the estimate does not change) are not expected to
24 exceed \$216,000. This total includes costs incurred to date and anticipated costs
25 through completion of the settlement. The total administrative fees and costs
26 includes \$205,233.29 previously incurred due to the dissemination of the notice
27 to Class Members, claims processing, claims review, and website maintenance.
28

1 The remaining approximately \$10,000 of total administrative fees and costs
2 includes continued processing and website maintenance, claimant
3 correspondence, disbursements of settlement payments to the Class Members,
4 follow up on any uncashed checks, anticipated tax compliance costs and related
5 matters.

6
7 I declare under penalty of perjury under the laws of the State of California
8 that the foregoing is true and correct.

9 Executed this 19th day of October 2016 in San Rafael, California.

10
11 
12 _____
13 MARC WALL

Kazerouni Law Group, APC
Costa Mesa, California

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kazerouni Law Group, APC, 245 Fischer Avenue, Suite D1, Costa Mesa, California 92626. On October 21, 2016, I served the within document(s):

PLAINTIFF’S SUPPLEMENTAL BRIEFING IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

SUPPLEMENTAL DECLARATION OF ABBAS KAZEROUNIAN IN SUPPORT OF PLAINTIFF’S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

SUPPLEMENTAL DECLARATION OF MARC WALL IN SUPPORT OF PLAINTIFF’S MOTION FOR FINAL APPROVAL

- CM/ECF - by transmitting electronically the document(s) listed above to the electronic case filing system on this date before 11:59 p.m. The Court’s CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record who are registered with the Court’s CM/ECF system.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 21, 2016, at Costa Mesa, California.

/s/ Abbas Kazerounian
ABBAS KAZEROUNIAN