

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Pedro Gonzalez, on behalf of himself and) Case No. 2:15-cv-01427-ROS
others similarly situated,)

Plaintiff,)

vs.)

Germaine Law Office, PLC,)

Defendant.)

**DECLARATION OF JAMES L. DAVIDSON IN SUPPORT OF PLAINTIFF'S
UNOPPOSED MOTION FOR AN AWARD OF ATTORNEYS' FEES AND
EXPENSES**

I, James L. Davidson, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. My name is James L. Davidson.

2. I am over twenty-one years of age, and am fully competent to make the
statements contained in this declaration.

3. I have personal knowledge of the matters stated herein and, if called upon, I
could and would competently testify thereto.

4. I am a partner at the law firm of Greenwald Davidson Radbil PLLC,
counsel for Pedro Gonzalez ("Plaintiff"), and class counsel in the above-titled action. I
make this declaration in support of Plaintiff's unopposed motion for an award of
attorneys' fees and expenses.¹

¹ The terms and conditions of the settlement are contained in the Settlement Agreement,
dated March 4, 2016 (the "Settlement Agreement"). See Dkt. No. 30-1 at 6-47. All capitalized
terms not defined herein have the same meanings set forth in the Settlement Agreement.

1 Settlement Fund exceeds one percent of Defendant's net worth under a *Sanders v.*
 2 *Jackson*, 209 F.3d 998 (7th Cir. 2000) analysis.

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 4 9. For creating these benefits, class counsel seek a fee and expense award of
 5 \$33,650. The requested attorneys' fees are consistent with awards in fee-shifting, class
 6 action cases generally, and are supported by class counsel's lodestar and expenses.

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 8 10. Accordingly, it is respectfully submitted that class counsel should be
 9 awarded attorneys' fees and expenses in the total amount of \$33,650.

10 **Class Counsel's Background and Experience**

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 12 11. I graduated from the University of Florida in 2000 and from the University
 13 of Florida Levin College of Law in 2003.

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 15 12. I have extensive experience litigating consumer protection class actions,
 16 including class actions brought under the FDCPA.

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 18 13. My firm has been appointed class counsel in numerous class actions
 19 throughout the country, including those brought under the FDCPA. *See, e.g., Durham v.*
 20 *Schlee & Stillman, LLC*, Case 8:15-cv-01652-GJH, Doc. 16 (D. Md. May 31, 2016);
 21 *Harper v. Law Office of Harris and Zide LLP*, Case No. 15-cv-01114-HSG, 2016 WL
 22 2344194, at *6 (N.D. Cal. May 4, 2016); *Brown v. Hunt & Henriques, Attorneys at Law*,
 23 Case 5:15-cv-01111-EJD, ECF No. 45 (N.D. Cal. Apr. 26, 2016); *Lehmeyer v. Messerli*
 24 *& Kramer, P.A.*, Civil. No. 15-02419 (HB), 2016 WL 1576439, at *1 (D. Minn. Apr. 15,
 25 2016); *Chamberlin v. Mullooly, Jeffrey, Rooney & Flynn, LLP*, No. 15-02361, ECF No.
 26 36 (D.N.J. Feb. 9, 2016); *Schuchardt v. Law Office of Rory W. Clark*, 314 F.R.D. 673,
 27 690 (N.D. Cal. 2016); *Whitford v. Weber & Olcese, P.L.C.*, No. 15-400, 2016 WL

1 122393 (W.D. Mich. Jan. 11, 2016); *Garza v. Mitchell Rubenstein & Assocs., P.C.*, No.
 2 15-1572, 2015 WL 9594286 (D. Md. Dec. 28, 2015); *Prater v. Medicredit, Inc.*, No. 14-
 3 00159, 2015 WL 8331602 (E.D. Mo. Dec. 7, 2015); *Baldwin v. Glasser & Glasser,*
 4 *P.L.C.*, No. 3:15-cv-00490-HEH, 2015 WL 77669207, at *1 (E.D. Va. Dec. 1, 2015);
 5 *McWilliams v. Advanced Recovery Sys., Inc.*, 310 F.R.D. 337, 341 (S.D. Miss. 2015);
 6 *Oaks v. Parker L. Moss, P.C.*, No. 3:15-CV-00196-CAN, 2015 WL 5737595, at *1 (N.D.
 7 Ind. Sept. 29, 2015); *Jones v. I.Q. Data Int'l, Inc.*, No. 1:14-cv-00130-PJK-GBW, 2015
 8 WL 5704016, at *2 (D.N.M. Sept. 23, 2015); *Lambeth v. Advantage Fin. Servs., LLC*,
 9 No. 1:15-cv-33-BLW, 2015 WL 4624008 (D. Idaho Aug. 3, 2015); *Rhodes v. Olson*
 10 *Assocs., P.C. d/b/a Olson Shaner*, 83 F. Supp. 3d 1096, 1115 (D. Colo. 2015); *Roundtree*
 11 *v. Bush Ross, P.A.*, 304 F.R.D 644, 661 (M.D. Fla. 2015); *Gonzalez v. Dynamic Recovery*
 12 *Solutions, LLC*, Nos. 14-24502, 14-20933, 2015 WL 738329, at *2 (S.D. Fla. Feb. 23,
 13 2015); *Esposito v. Deatrick & Spies, P.S.C.*, No. 13-1416, 2015 WL 390392, at *2
 14 (N.D.N.Y. Jan. 28, 2015); *Green v. Dressman Benzinger Lavelle, PSC*, No. 14- 00142,
 15 2015 WL 223764, at *2 (S.D. Ohio Jan. 16, 2015); *Donnelly v. EquityExperts.org, LLC*,
 16 No. 13-10017, 2015 WL 249522, at *2 (E.D. Mich. Jan. 14, 2015); *Ritchie v. Van Ru*
 17 *Credit Corp.*, No. 12-01714, 2014 WL 3955268, at *2 (D. Ariz. Aug. 13, 2014)
 18 (McNamee, J); *Hunter v. Nicholas Fin. Corp.*, No. 0:13-cv-61126-DMM, Doc. 32 (S.D.
 19 Fla. Apr. 28, 2014); *Sharf v. Fin. Asset Resolution, LLC*, 295 F.R.D. 664, 671 (S.D. Fla.
 20 2014).

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 27 14. Moreover, multiple district courts have commended my firm's efforts and
 28 experience in consumer class action litigation. *See Whitford v. Weber & Olcese, PLC*,

Case No. 1:15-cv-400, Dkt. No. 29 (Jan. 11, 2016) (“I will say this. I think that this has been one of the most efficient and well presented cases of this type that I have seen. I do commend counsel on both sides. I think that your professionalism and your ability to resolve the case in a way that is very transparent, very I think appropriate to the nature of the cause of action, to the number of people in the class has all, it’s just been excellent. And I appreciate it very much.”); *Donnelly v. EquityExperts.org, LLC*, No. 13-10017, Dkt. No. 37 (E.D. Mich. Jan. 14, 2015) (“[W]e see a fair number of FDCPA cases that are not necessarily at this level of sophistication or seriousness but I think that the—both sides appear to have really approached this with a positive attitude in trying to reach a settlement that from what I can see, appears to be the right thing to do in a reasonable and appropriate way.”); *Ritchie v. Van Ru Credit Corp.*, Case No. CIV 12-1714, Dkt. No. 99 (July 21, 2014) (McNamee, J.) (“I want to thank all of you. It’s been a pleasure. I hope that you will come back and see us at some time in the future. And if you don’t, I have a lot of cases I would like to assign you, because you’ve been immensely helpful both to your clients and to the Court. And that’s important. So I want to thank you all very much.”).

The Court Should Approve the Requested Attorney’s Fee and Expense Award

15. Class counsel seek an award of attorneys’ fees and expenses in the amount of \$33,650. Class counsel handled this case on a contingency basis, advanced all litigation costs and expenses, and have not received any payment to date for our work on behalf of Plaintiff and the class.

16. Based on the quality of class counsel’s work, the time involved, and the

1 benefit obtained for Plaintiff and class members in light of the risks, the requested fee and
2 expense award is reasonable. Class counsel used its skill and experience to litigate this
3 case in an efficient and effective manner, and obtain an excellent result for Plaintiff and
4 the class, while limiting the use of Court resources, and keeping attorneys' fees and
5 expenses manageable. The fee and expense request here is reasonable, but is by no means
6 a windfall.
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9 17. The time incurred by class counsel included time for researching and
10 preparing the class action complaint, preparing initial disclosures, negotiating and
11 preparing the proposed case management plan, propounding requests for production and
12 interrogatories, negotiating the terms of a protective order, conducting an analysis of
13 Defendant's net worth, negotiating the settlement, including drafting the written
14 settlement agreement, preparing the preliminary approval papers, including the
15 preliminary and final approval orders, conferencing with Plaintiff, coordinating with the
16 settlement administrator, and preparing a fee petition, among other things.
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19 18. As the date of this Declaration, Greenwald Davidson Radbil PLLC
20 attorneys have spent a total of 77.9 hours litigating this case. James L. Davidson spent
21 65.5 hours, Michael L. Greenwald spent 6.6 hours, Aaron D. Radbil spent 1.5 hours, and
22 Jesse S. Johnson spent 4.9 hours, resulting in a total lodestar of \$30,915. In addition, I
23 estimate that my firm will spend an additional approximately 25-35 hours on this matter,
24 including communicating with class members, preparing a final approval motion and
25 supporting documentation, preparing for, traveling to, and attending the final approval
26 hearing in Arizona, and coordinating with the class administrator, among other things. As
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1 a result, I estimate that my firm's total lodestar, including the additional estimated time
2 necessary to conclude this matter, will be between \$40,915 and \$44,915. As such, the
3 fees and expenses incurred by class counsel in this case will exceed the attorneys' fee and
4 expense award sought, further underscoring its reasonableness.
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6 19. The time included herein is evidenced by my firm's electronically stored
7 time records entered contemporaneously with the respective task to which they relate,
8 each of which accurately reflects the work performed.
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10 20. Mr. Greenwald and I both have in excess of eleven years of litigation
11 experience and in excess of ten years litigating class actions. Mr. Radbil has in excess of
12 nine years of litigation experience, during which time he focused his practice entirely on
13 consumer protection litigation, including class actions. Mr. Johnson has in excess of six
14 years of litigation experience, during which time he focused his practice entirely on class
15 action litigation. Mr. Greenwald, Mr. Radbil and I bill at a rate of \$400 per hour—a rate
16 specifically approved in FDCPA class actions my firm handled in the past. *See*
17 *Schuchardt v. Law Office of Rory W. Clark*, 314 F.R.D. 673, 689 (N.D. Cal. 2016)
18 (“Given that Class Counsel has been appointed in numerous class actions, including
19 FDCPA cases; courts have awarded them exactly the same rates requested here in
20 previous cases; and courts in this District found similar rates appropriate in FDCPA
21 cases, Class Counsel's requested rates are reasonable.”); *Gonzalez*, 2015 WL 738329, at
22 *4 (“Defendant shall pay Class Counsel [Greenwald Davidson Radbil PLLC] \$65,000.00
23 for attorneys' fees and expenses, which is based in part upon Class Counsel's reasonable
24 hourly rate of \$400 per hour.”). Mr. Johnson bills at a rate of \$350 per hour.
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21. A portion of the \$33,650 requested by class counsel consists of the reimbursement of the expenses incurred in connection with the prosecution of the litigation. To date, class counsel incurred reimbursable expenses in the amount of \$515.30. These expenses include the filing fee for the complaint, the fee for service of process, and charges for using Pacer. I estimate that we will likely incur additional expenses of approximately \$1,000 associated with travel between Florida and Arizona for the final approval hearing, including airfare and hotel, airport parking in Fort Lauderdale, transportation to and from the Phoenix airport, and meals.

22. I respectfully submit that the requested fee and expense award of \$33,650 is reasonable for a certified class action, particularly one where class members will receive meaningful cash benefits and where the lawsuit succeeded in causing Defendant to revisit its business practices. Notably, to date, no class members have objected to the proposed fee and expenses award.

Conclusion

For the reasons set forth above and in the accompanying Motion for an Award of Attorneys' Fees and Reimbursement of Expenses, submitted concurrently herewith, I respectfully submit that the unopposed motion for an award of attorneys' fees and expenses should be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 1, 2016.

By: s/ James L. Davidson
James L. Davidson