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Executive Officer/Clerk of Court,
By G. Carini, Deputy Clerk

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11 Jennifer Goodwin

12 **SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES – UNLIMITED CIVIL**

14 Jennifer Goodwin, individually and on
behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 K M P Enterprises d/b/a Powell Electric,

18 Defendant.

Case No.: 20STCV18428

**DECLARATION OF JASON A. IBEY IN
SUPPORT OF PLAINTIFF’S MOTION
FOR ATTORNEY’S FEES, COSTS AND
SERVICE AWARD**

Date: January 16, 2024

Time: 10:00 a.m.

Department: 14

Judge: Hon. Kenneth R. Freeman

Complaint Filed: May 14, 2020

DECLARATION OF JASON A. IBEY

I, Jason A. Ibe, declare:

1. I am one of the attorneys for the Plaintiff in this action, Jennifer Goodwin (“Plaintiff”) against Defendant K M P Enterprises d/b/a Powell Electric (“Powell Electric” or “Defendant”).
2. 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 am also admitted to the State Bar of Utah and the Commonwealth of Massachusetts. Further, I am admitted in every federal district in California and have handled federal litigation in the federal districts of California.
3. 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.
4. I submit this declaration in support of Plaintiff’s Motion for Attorneys’ Fees, Costs and Service Award. Such motion and supporting papers, once filed, will be promptly submitted to the Settlement Administrator to be posted on the Settlement Website.
5. I became a partner at Kazerouni Law Group, APC as of the year 2020, and have worked on this action since Plaintiff retained the firm for representation for this matter.
6. I have been preliminarily approved as Settlement Class Counsel for this action.
7. I was one of the attorneys for Plaintiff who participated in a private mediation before Hon. Jay C. Gandhi (Ret.) of JAMS on January 21, 2022, via zoom, which resulted in settlement on a class basis, in principle, and which continued to be negotiated over a period of a few months.
8. In my opinion, the requested award of attorneys’ fees of \$570,000 (representing 30% of the Common Fund of \$1,900,000), and costs of \$17,440.77 so far, is fair and reasonable in this risky action taken by my firm on a contingency fee basis for which no costs have been reimbursed to date.

1 9. This Settlement provides for an automatic payment of at least \$178 to Identified Settlement
2 Class Members without the use of a claim form, from the \$1,900,000 Common Fund. This
3 \$178 figure is based on estimated Net Settlement Fund of approximately \$1,230,563
4 (\$1,230,563 / 6,906 = Approx. \$178.18), after accounting for requested attorneys' fees of
5 \$570,000, litigation costs up to \$25,000, a service award of \$4,000, and estimated notice
6 and settlement administration expenses of (at present) \$70,437.00, for approximately 6,906
7 Settlement Class Members at the time of preliminary approval. This estimate has since
8 been lowered to 6,552 Settlement Class Members, given that the class data (i.e., Class List
9 and Cell Phone Number List, combined) provided by Defendant to the Settlement
10 Administrator includes 353 duplicate records.

11 10. In this action, Defendant has asserted 34 affirmative defenses, with a reservation of rights
12 to assert more.

13 11. Prior to mediation, Plaintiff's counsel served formal written discovery requests on
14 Defendants. In this action, Plaintiff obtained informal discovery for purpose of mediation.
15 After a class settlement in principle was reached through mediation (followed by several
16 months of negotiated the written settlement agreement), Plaintiff obtained confirmatory
17 discovery from Defendant in the form of responses to special interrogatories and a PMQ
18 deposition of Defendant.

19 **COUNSEL LODESTAR**

20 12. From April 2020 to September 27, 2023, I have incurred approximately 196.2 hours in the
21 course of this litigation against Defendant. All hours were logged contemporaneously in the
22 normal course of business. I have been involved in every major aspect of the case, including
23 but not limited to attending the virtual mediation, discovery, settlement and motion practice.
24 I have spent approximately 15.8 hours on Communications with co-counsel, approximately
25 18 hours on Communications with opposing counsel, approximately 13.3 hours on
26 Communications (other), approximately 73.2 hours on Motion Practice, approximately 1.6
27 hours on Communications with Court, approximately 1.1 hours on Communications with
28 Client, approximately 7 hours on Discovery, approximately 1.4 hours on Investigations,

1 approximately 1.9 hours on Pleadings, approximately 5.9 hours on Document review,
2 approximately 50.2 hours on Mediation/Settlement, and approximately 6.8 hours on
3 Miscellaneous tasks.

4 13. I anticipate incurring at least 35 hours of additional time to work on a motion for final
5 approval of the class action settlement, preparing for an attending the fairness hearing
6 scheduled for January 16, 2024, addressing any potential objections to the Settlement,
7 working with the Settlement Administrator, and overseeing settlement distribution
8 including a potential *cy pres* award or subsequent distribution to Settlement Class Members,
9 for a total of 231.2 hours, for a lodestar of \$110,976.

10 14. Plaintiff's counsel will request from the Settlement Administrator a final administration
11 estimate prior to the January 16, 2024 fairness hearing.

12 15. Based on my more than 10 years of experience litigating consumer class actions as detailed
13 below, I believe my proposed hourly rate of \$480 for this complex litigation is fair and
14 reasonable, combined with my prior fee approval rates.

15 16. I was approved for a requested hourly rate of \$450 in *Lo v. NutriBullet, LLC*, No.
16 21STCV12852 (Sup. Ct. Los Angeles, Nov. 3, 2022). I was approved for an hourly rate of
17 \$440 in *Hinkle v. Sports Research Corp.*, No. 37-2020-00001422-CU-NP-NC (Sup. Ct. San
18 Diego). In *Franklin v. Ocwen Loan Servicing, LLC*, No. 3:19-cv-03333-SI (N.D. Cal.), I
19 was approved for requested an hourly rate of \$430 in that class action settlement where the
20 complaint was filed in 2018. In May of 2019, I was approved for an hourly rate of \$405 as
21 a senior associate attorney in *Ronquillo-Griffin v. TransUnion Rental Screening Sols., Inc.*,
22 No. 17cv129-JM (BLM), 2019 U.S. Dist. LEXIS 79021 (S.D. Cal. May 9, 2019). Before
23 that, I was approved for an hourly rate of \$395 in *Ayala et al v. Triplepulse, Inc.*, BC655048,
24 (Sup. Ct. Los Angeles, Nov. 13, 2018).

25 **EXPERIENCE**

26 17. Prior to being admitted to practice law in California, I interned for the Honorable Deborah
27 Sanchez of the Los Angeles Superior Court, at the Courthouse in Bellflower, California, for
28 approximately two months.

1 18. I predominantly practice in the Central District of California and Southern District of
2 California; however, I have litigated numerous cases in each of the district courts in
3 California and in various state courts in California. I have also litigated cases in district
4 courts outside of California on a *pro hac vice* basis.

5 19. I practice law almost exclusively in the area of consumer actions, with over 95% of my legal
6 practice dedicated to consumer class actions. I have been involved in litigating several
7 dozens of consumer class actions, obtaining class certification status in five contested cases.

8 20. I have contributed significantly to eight appellate briefs before the Ninth Circuit Court of
9 Appeals.

10 21. I have participated in more than a dozen mediations involving putative class action cases,
11 several of which have resulted in settlement on a class action basis under similar causes of
12 action asserted in this action.

13 22. I serve as, or have served as, one of class counsel in the following consumer cases:

14 a. Serving as one of class counsel in unlawful recording class action settlement in
15 *Franklin v. Ocwen Loan Servicing, LLC*, No. 3:18-cv-03333-SI, Dkt. No. 169
16 (N.D. Cal.) (finally approved on Aug. 26, 2022);

17 b. Served as one of class counsel in *Deunas v. Freedom Laser Therapy, Inc., d/b/a*
18 *iRestore*, No. 30-01060877-CU-BT-CXC (Sup. Ct. Orange 2021) (finally approved
19 product false advertising class action settlement);

20 c. Served as one of class counsel in data breach settlement in *Cotter v. Checkers*
21 *Drive-In Restaurants, Inc.*, No. 8:19-cv-01386-VMC-CPT (M.D. Fla.) (finally
22 approved);

23 d. Served as one of class counsel in *Hinkle v. Sports Research Corp.*, No. 37-2020-
24 00001422-CU-NP-NC (Sup. Ct. San Diego) (final class action settlement
25 approval granted on March 26, 2021);

26 e. Served as one of class counsel in finally approved class action settlement in *Holt v.*
27 *Foodstate, Inc.*, No. 1:17-cv-00637-LM (D. N.H. Jan. 16, 2020) (involving product
28 false advertising claims);

- 1 f. Appointed one of class counsel in the matter of *Holt v. Noble House & Resorts,*
- 2 *Ltd.*, No. 17-cv-2246-MMA-BLM (S.D. Cal. Oct. 16, 2018) (involving alleged
- 3 unlawful surcharges at certain restaurants);
- 4 g. Served as one of class counsel in finally approved as one of class counsel in the
- 5 CIPA (Cal. Pen. Code § 632.7) class action in *Ronquillo-Griffin v. Telus Communs.,*
- 6 *Inc.*, 3:17-cv-00129-JM-BLM, (S.D. Cal. Nov. 1, 2018);
- 7 h. Served as one of class counsel in finally approved as one of class counsel in the
- 8 TCPA class action in *Barrow v. JPMorgan Chase Bank, N.A.*, 1:16-cv-03577-AT
- 9 (N.D. Ga. Nov. 5, 2018);
- 10 i. Served as one of class counsel in finally approved as one of class counsel in *Ayala*
- 11 *v. TriplePulse Inc.*, 2018 Cal. Super. LEXIS 3242, *4 (Los Angeles County
- 12 Superior Court, Nov. 13, 2018), involving the alleged unlawful misrepresentations
- 13 on a products label and in defendant’s advertising;
- 14 j. Served as one of class counsel in finally approved as one of class counsel in the
- 15 TCPA class action in *Fox v. Spectrum Club of Santa Barbara*, No. 16CV00050
- 16 (Superior Court of Santa Barbara, March 23, 2017).
- 17 23. On August 16, 2018, I presented oral argument in *Self-Forbes v. Advanced Call Center*, No.
- 18 17-15804 (9th Cir. 2018), and obtained a successful ruling for my client. *Self-Forbes v.*
- 19 *Advanced Call Ctr. Techs., LLC*, 2018 U.S. App. LEXIS 30577, at *1 (9th Cir. Oct. 29,
- 20 2018).
- 21 24. On October 20, 2017, I presented oral argument before the Ninth Circuit Court of Appeal
- 22 in the matter of *Carter v. Rent-A-Center, Inc.*, No. 16-15835.
- 23 25. I have served or serve as plaintiff’s counsel in at least the following actions alleging similar
- 24 claims to this action under the Song-Beverly Consumer Warranty Act:
- 25 a. *De La Cruz v. Group SEB USA, Inc. d/b/a T-Fal.*, No. 5:21-cv-02030 (C.D. Cal.);
- 26 b. *Schneider v. All Clad Metalcrafters*, No. 30-2021-01189853 (*Sup. Ct. Orange*);
- 27 c. *Ormond v. Gibson Brands, Inc.*, No. 8:21-cv-01552 (C.D. Cal.).
- 28

1 26. With regard to putative class action involving other claims of false advertising of products,
 2 specifically, I have served as one of plaintiff’s counsel in at least the following:

- 3 d. *Hinkle v. Sports Research Corp.*, No. 37-2020-00001422-CU-NP-NC (Sup. Ct.
- 4 San Diego) (final class action settlement approval granted on March 26, 2021);
- 5 e. *Holt v. Foodstate, Inc.*, No. 1:17-cv-00637-LM (D. N.H. Jan. 16, 2020)
- 6 (involving product false advertising claims);
- 7 f. *Figueroa v. Bissell Homecare, Inc.*, No. 2:21-cv-04645-FMO-GLS (C.D. Cal.)
- 8 (pending motion to remand by plaintiffs and motion to dismiss by defendant);
- 9 g. *Kline et al., v. Post Holdings, Inc.*, No. 3:15-cv-02348-AJB-RBB (S.D. Cal.) (co-
- 10 counsel in finally approval class action settlement involving non-functional slack-
- 11 fill);
- 12 h. *Kerzner v. Street King LLC*, No. BC549460 (Superior Court, Los Angeles);
- 13 i. *Alaei v. H.J. Heinz Company, L.P.*, No. 3:15-cv-02961-MMA-DHB (S.D. Cal.);
- 14 j. *Welk v. Nutraceutical Corp.*, No. 3:17-cv-00266-BEN-KSC (S.D. Cal.);
- 15 k. *Palmer v. Whole Foods Market IP, L.P.*, No. BC690514 (Sup. Ct., Los Angeles).

16 27. I have contributed significantly to several other consumer putative class actions in which a
 17 favorable published decision was issued, including but not limited to the following cases:

- 18 a. *Miholich v. Senior Life Ins. Co.*, No. 21-cv-1123-WQH-AGS, 2022 U.S. Dist.
- 19 LEXIS 23981 (S.D. Cal. Feb. 10, 2022) (denying defendant’s motion to dismiss
- 20 and strike class allegations in TCPA action for alleged unsolicited telemarketing
- 21 to consumers on the National Do-Not-Call Registry);
- 22 b. *Read v. Cenlar FSB*, No. EDCV 21-504 JGB (SPx), 2022 U.S. Dist. LEXIS
- 23 3586 (C.D. Cal. Jan. 7, 2022) (striking some of the defendant’s affirmative
- 24 defenses, including the defendant’s prayer for costs of suit and attorneys’ fees);
- 25 c. *Burt v. Bd. of Trs. of the Univ. of R.I.*, No. 20-465-JJM-LDA, 2021 U.S. Dist.
- 26 LEXIS 42059 (D.R.I. Mar. 4, 2021) (denying in part and granting in part motion
- 27
- 28

1 to dismiss breach of contract claims involving putative class action for refund
2 as a result of campus closure due to COVID-19);

3 a. *Hill v. Quicken Loans, Inc.*, No. ED CV 19-0163 FMO (SPx), 2020 U.S. Dist.
4 LEXIS 140980 (C.D. Cal. Aug. 5, 2020) (denying defendant's motion to
5 dismiss and motion to compel arbitration of TCPA case);

6 b. *Delisle v. Speedy Cash*, No. 3:18-CV-2042-GPC-RBB, 2019 U.S. Dist. LEXIS
7 96981 (S.D. Cal. June 10, 2019) (denying defendant's motion to compel
8 arbitration of claims for allegedly charging excessive APR; remanded on appeal
9 to consider intervening law, decision pending);

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

12 d. *Marks v. Crunch San Diego, LLC*, No. 14-56834, 2018 U.S. App. LEXIS 26883
13 (9th Cir. Sep. 20, 2018) (unanimous three-panel decision on the meaning of an
14 automatic telephone dialing system under the Telephone Consumer Protection
15 Act);

16 e. *Meza v. Sirius XM Radio, Inc.*, No. 17-cv-2252-AJB-JMA, 2018 U.S. Dist.
17 LEXIS 164601 (S.D.Cal. Sep. 25, 2018) (denying motion to dismiss, based in
18 part of challenge to constitutionality of the Telephone Consumer Protection
19 Act);

20 f. *Ahmed v. HSBC Bank USA, N.A.*, No. ED CV 15-2057 FMO (SPx), 2017 U.S.
21 Dist. LEXIS 183910 (C.D.Cal. Nov. 6, 2017) (granting plaintiffs' motion to
22 strike some of the affirmative defenses);

23 g. *Greenley v. Laborers' Int'l Union of N. Am.*, 271 F. Supp. 3d 1128 (D.Minn.
24 2017) (denying motion to dismiss on several grounds, including a challenge to
25 the constitutionality of the Telephone Consumer Protection Act);

26 h. *Ronquillo-Griffin v. Telus Communs., Inc.*, No. 17cv129 JM (BLM), 2017 U.S.
27 Dist. LEXIS 99577 (S.D. Cal. June 27, 2017) (denying motion to dismiss claims
28 for violation of California's Invasion of Privacy Act);

- i. *Kline v. Iovate Health Scis. U.S.A., Inc.*, No. 3:15-cv-02387, 2017 U.S. Dist. LEXIS 44837 (S.D. Cal. Mar. 24, 2017);
- j. *Barrett v. Wesley Fin. Grp., LLC*, No. 3:13-cv-00554-LAB-KSC, 2016 U.S. Dist. LEXIS 16417 (S.D. Cal. Feb. 9, 2016);
- k. *Sherman v. Yahoo! Inc.*, 150 F. Supp. 3d 1213 (S.D. Cal. 2015);
- l. *Abdeljalil v. GE Capital Corp.*, 306 F.R.D. 303 (S.D. Cal. 2015);
- m. *Knutson v. Sirius XM Radio Inc.*, 771 F.3d 559 (9th Cir. 2014);
- n. *Couser v. Comenity Bank*, No. 12CV2484-MMA-BGS, 2014 U.S. Dist. LEXIS 189155 (S.D. Cal. Oct. 2, 2014);
- o. *Fox v. Asset Acceptance, LLC*, No. 13cv0922 DMS (BGS), 2013 U.S. Dist. LEXIS 197836 (S.D. Cal. Oct. 29, 2013);
- p. *Dake v. Receivables Performance Mgmt., LLC*, No. EDCV 12-01680 VAP (SPx), 2013 U.S. Dist. LEXIS 160341 (C.D. Cal. Apr. 16, 2013).

PUBLICATIONS

28. I wrote an article entitled, “*Think twice before filing that Article III challenge*,” which was published in the Daily Journal on November 1, 2016.
29. 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.
30. I wrote an article entitled, “*California’s Invasion of Privacy Act*,” that was published in the May 2018 edition of Plaintiff magazine, concerning Cal. Pen. Code § 630, *et seq.*
31. I wrote an article entitled, “*Pay your arbitration fees on time or lose the right to arbitrate*,” that was published in the Daily Journal on October 25, 2019.

RECOGNITIONS

32. I was selected to Rising Stars in 2018-2022 by Super Lawyers, for consumer law.
33. Selected in 2022 to be among Top 40 under 40, by The National Trial Lawyers.

MEMBERSHIPS

34. I am a member of the following organizations:

- 1 a. The National Association of Consumer Advocates;
2 b. J. Reuben Clark Law Society, Southern Utah Chapter.

3 **EXHIBIT**

4 35. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of the United States
5 Consumer Law Practice & Attorney Fee Survey Report 2023, California Metro Edition.

6
7 I declare under penalty of perjury that the foregoing is true and correct, executed on
8 September 28, 2023, pursuant to the laws of the State of California at St. George, Utah.

9
10 /s/ Jason A. Ibey
11 Jason A. Ibey



EXHIBIT 1

**UNITED STATES
CONSUMER LAW
PRACTICE &
ATTORNEY FEE
SURVEY REPORT
2023
California Metro
Edition**



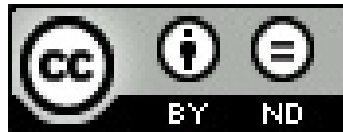
Ronald L. Burdge, Esq.

**United States Consumer Law Practice
& Attorney Fee Survey Report
2023 California Metro Edition**

Survey Conducted By
and
Survey Report Authored By

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August 1, 2023

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Acknowledgments

This work is dedicated to the private and public practice members of the Consumer Law bar and the Judicial officers who decide Consumer Law disputes and cases across the United States and its territories, all of whom tirelessly dedicate their careers to helping people find Justice every day in our legal system. Without their support and participation, the research for this publication would not have been possible.

I am grateful to the members of the National Association of Consumer Advocates and the National Association of Consumer Bankruptcy Attorneys, the many friends and supporters of the National Consumer Law Center, the Consumer Attorneys of LA, and to the Consumer Law bar who participated in the research that formed the foundation of this Survey Report. They are the men and women who make Justice work every day.

A special thanks is extended to Robert Brennan, Scott Kaufman, Rosemary Shahan, Ira Rheingold, Richard Dubois, Jon Sheldon, Willard Ogburn, Charles Delbaum, Robert Murphy, Robert Hobbs, Edward Boltz, and many, many others for their constant encouragement of this project, advice and assistance since the survey began in 1999. The support, suggestions and comments from countless others over the years have contributed greatly to the result before you.

Finally, no words could adequately express my thanks to my wife Linda, who guided, supported and encouraged me every day for the decades throughout this work. I could not do what I do, and I would accomplish nothing without her.

Ronald L. Burdge, Esq.
August 1, 2023

This Survey Report is available as a free pdf download
from this web site:
www.AttorneyFeeStudy.com

This Survey Report is also available as a free pdf download
from the web site accessed via any QR reader with this image:



3.9 California, Los Angeles - Long Beach - Anaheim

Average Number of Attorneys in Firm	3.9
Reputation Impact on Median	1.5
Average Concentration of Practice in Consumer Law	84.2
Primary Practice Area	Consumer Law
Secondary Practice Area	Bankruptcy
Last Time Attorney Rate Changed (Average in Months)	30.2
Average Number of Paralegals in Firm	1.2
Median Paralegal Rate	210
Paralegal Median Hourly Rate Range, Low to High	50-420
25% Median Attorney Rate for All Attorneys	350
Median Attorney Rate for All Attorneys	425
75% Median Attorney Rate for All Attorneys	600
95% Median Attorney Rate for All Attorneys	758

Median Rate for Practice Areas

	Range	Median
Attorneys Handling Bankruptcy Cases	225-790	380
Attorneys Handling Class Action Cases	200-1,100	500
Attorneys Handling Credit Rights Cases	200-980	425
Attorneys Handling Housing Rights Cases	200-850	400
Attorneys Handling Vehicle Cases	200-790	400
Attorneys Handling TCPA Cases	200-790	450
Attorneys Handling Udap Deception Cases	200-1,050	425
Attorneys Handling Other Consumer Cases	325-1,000	450

Experience Variable Table

Years Practicing Consumer Law	Range	Median Attorney Hourly Rate
<1	200-275	225
1-3	225-375	268
3-5	225-575	290
6-10	268-625	475
11-15	325-658	450
16-20	325-658	525
21-25	325-815	500
26-30	225-975	650
31-35	525-900	690
36-40	348-738	625
41-45	450-1,050	538
46+	900-975	938