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10 *Attorneys for Plaintiff,*  
 11 Jeffrey A. Almada

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

14 **JEFFREY A. ALMADA, on behalf of**  
 15 **himself and all other similarly situated**  
 16 **class members,**

17 Plaintiff,

18 v.

19 **KRIGER LAW FIRM, A.P.C.**

20 Defendant.

Case No.: 3:19-cv-02109-TWR-MDD

**DECLARATION OF ROBERT L.  
 HYDE IN SUPPORT OF  
 PLAINTIFF’S UNOPPOSED  
 MOTION FOR ATTORNEYS’  
 FEES, COSTS, AND SERVICE  
 AWARD**

Judge: Hon. Todd W. Robinson



**DECLARATION OF ROBERT L. HYDE**

**I, ROBERT L. HYDE, declare:**

1. I am one of the attorneys for the plaintiff Jeffrey A. Almada (“Almada”) in the above-captioned action against defendant Kriger Law Firm, A.P.C (“Kriger”).
2. I am over the age of 18 and am fully competent to make this declaration.
3. I am a partner at Kazerouni Law Group.
4. I am licensed to practice law in the State of California, as well as the State of Minnesota.
5. I am admitted to practice law, and I am in good standing, in:
  - a. The Supreme Court of the United States.
  - b. The Supreme Court of California.
  - c. The Supreme Court of Minnesota.
  - d. The United States Court of Appeals for the Ninth Circuit.
  - e. The United States District Court for the Northern District of California.
  - f. The United States District Court for the Eastern District of California.
  - g. The United States District Court for the Central District of California.
  - h. The United States District Court for the Southern District of California.
  - i. The United States District Court for the District of Minnesota.
  - j. The United States District Court for the Western District of Wisconsin.
  - k. All California state courts.
  - l. All Minnesota state courts.
6. If called as a witness, I would competently testify to the matters herein from personal knowledge.
7. The declaration is based upon my personal knowledge, except where expressly noted otherwise.
8. I submit this declaration in support of the Plaintiff’s Motion for Attorneys’ Fees, Costs and Service Award.



**HOURS INCURRED**

1  
2 9. Based on my experience litigating consumer class actions, I believe my  
3 proposed hourly rate of \$785 is fair and reasonable in light of my nearly 20 years  
4 of experience litigating complex consumer class cases combined with my prior  
5 fee approval rate.

6 10. Several years ago, I was awarded hourly fees of as much as \$595.00 per hour in  
7 a similar consumer case. *See, e.g., Afewerki v. Anaya Law Grp.*, No. CV 14-  
8 07132-RGK (JPRx), 2021 U.S. Dist. LEXIS 55953, at \*5 (C.D. Cal. Mar. 24,  
9 2021) (approved at rate of \$595); *Afewerki v. Anaya Law Grp.*, No. 2:14-cv-  
10 07132-RGK-JPR, 2017 U.S. Dist. LEXIS 191881, at \*12 (C.D. Cal. Nov. 20,  
11 2017) (same).

12 11. I believe that my experience and years in practice are sufficient to justify my  
13 hourly billing rate in this case of \$785 per hour, a figure that has been previously  
14 approved by courts in California for partners with similar levels of experience.  
15 *See, e.g., McCurley v. Royal Sea Cruises, Inc.*, U.S. Dist. LEXIS 227110 (S.D.  
16 Cal. Dec. 3, 2020) (approving partner Todd Friedman a \$725 per hour back in  
17 2020, and noting the requested rate is similar to rates “requested by other  
18 attorneys in other class action cases”).

19 12. My requested rate is also reasonable in light of the rates of other similar  
20 attorneys with the same level of experience in my general geographic area. *See*  
21 *Kazerounian Decl.*, Exhibit 2.

22 13. I have incurred approximately 140 hours on this litigation as of October 19,  
23 2022. All these hours were logged contemporaneously in the normal course of  
24 business and are available upon the Court’s request. Specifically, I incurred  
25 approximately: 140 hours working on Plaintiff’s appeal to the Ninth Circuit,  
26 which included (1) drafting the brief; (2) researching; (3) preparing for oral  
27 argument; (4) consulting with my co-counsel; and (5) strategizing and preparing  
28 legal arguments and responses to novel legal issues and arguments.



1 14. Therefore, my experience taken with the current legal market rates and previous  
2 orders are sufficient to justify my hourly rate of \$785 in this action.

3 **CONSUMER RELATED EXPERIENCE AND RESULTS**

4 15. Since my admission to the State Bar of California, in 2003, I have been engaged  
5 exclusively in the area of consumer rights litigation and class action litigation.

6 16. My firm, Kazerouni Law Group, APC, in which I am a partner, has litigated  
7 over 10,000 cases in the past fourteen years.

8 17. Kazerouni Law Group, APC has offices in Orange County, California; San Luis  
9 Obispo, California; San Diego, California; Phoenix, Arizona; Las Vegas,  
10 Nevada; St. George, Utah; Dallas, Texas; Seattle, Washington; New York, New  
11 York; Mt. Laurel, New Jersey; and Minneapolis, Minnesota.

12 18. Kazerouni Law Group, APC has extensive experience in consumer class actions  
13 and other complex litigation. Kazerouni Law Group, APC has a history of  
14 aggressive, successful prosecution of consumer class actions. Approximately  
15 95% percent of our practice concerns consumer litigation in general.

16 19. My firm has been appointed lead counsel in numerous federal class actions,  
17 resulting in millions of dollars of settlements for our clients.

18 20. Prior to being a partner at Kazerouni Law Group, APC, I was the founding  
19 partner of another consumer protection firm, Hyde & Swigart, which also has a  
20 proud history of aggressive, successful prosecution of individual and class  
21 actions, especially involving the Fair Debt Collection Practices Act, California's  
22 Rosenthal Act, Telephone Consumer Protection Act, and debt defense, among  
23 other areas of consumer law.

24 21. During my time at Hyde & Swigart, my firm worked enthusiastically with  
25 federal and state government to help ensure that consumers are protected from  
26 predatory and abusive practices of debt collectors, creditors, banks, and  
27 insurance companies, and has successfully worked with federal and state  
28

1 government representatives such as U.S. Representative Henry Waxman, and  
2 U.S. Senators Elizabeth Warren and Al Franken, to achieve these goals.

3 22. Some cases in which I have been involved in concerning the FDCPA and/or  
4 RFDCPA, include but are not limited to:

- 5 a. *Yates v. Allied Intl Credit Corp.*, 578 F. Supp. 2d 1251 (2008) (Holding a  
6 debtors claim based on the FDCPA stemming from the filing of a false  
7 police report was not subject to the litigation privilege under Cal. Civ. Code  
8 § 47(b));
- 9 b. *Owings v. Hunt & Henriques, et al.*, 2010 U.S. Dist. LEXIS 91819 (S.D.  
10 Cal.) (Recognizing that the Service Members Civil Relief Act applies to  
11 both the United States military, and California National Guard Members  
12 and that the debt collection attorney's false declaration the court violates  
13 the FDCPA);
- 14 c. *Heathman v. Portfolio Recovery Assocs., LLC*, 2013 U.S. Dist. LEXIS  
15 98742 (S.D. Cal. 2013) (Holding that failing to properly list and disclose  
16 the identity of the original creditor in a state collection pleading is a  
17 violation of the Fair Debt Collection Practices Act under 15 U.S.C. §  
18 1692e));
- 19 d. *Engelen v. Erin Capital Management, LLC, et al.*, No. 12-55039 (9th Cir.  
20 2013, not for publication, D.C. No.: 3:10-cv-01125-BEN-RBB) (Reversing  
21 the lower court's granting of summary judgment to the defendant debt  
22 collector on the basis of the bona fide error defense and remanding for  
23 further proceedings);
- 24 e. *Catala v. Resurgent Capital Servs., L.P.*, 08-CV-2401 NLS, 2010 U.S. Dist.  
25 LEXIS 63501 (S.D. Cal.) (Co-lead counsel on a class settlement involving  
26 the Fair Debt Collection Practices Act);
- 27 f. *Hosseinzadeh v. M.R.S. Assocs.*, 387 F. Supp. 2d 1104 (C.D. Cal. 2005)  
28 (Summary judgment was granted sua sponte in favor of a debtor where debt

1 collector violated the Fair Debt Collection Practices Act, when its  
2 employees failed to disclose the debt collector’s identity and the nature of  
3 its business in the messages left on the debtor’s answering machine). This  
4 case has now been followed in at least four different districts throughout  
5 the country.

- 6 g. *Edstrom v. All Servs. & Processing*, 2005 U.S. Dist. LEXIS 2773 (N.D.  
7 Cal. 2005) (Numerous omissions from a letter sent by a debt collector to  
8 members of a homeowners association, and a statement requiring any  
9 dispute to be put in writing, violated 15 U.S.C. § 1692g(a) of the FDCPA  
10 and Cal. Civ. Code §1788.17. The FDCPA required strict compliance;  
11 actual confusion on debtors’ part was not required);
- 12 h. *Forsberg v. Fid. Nat’l Credit Servs.*, 2004 U.S. Dist. LEXIS 7622 (S.D.  
13 Cal. 2004) (Plaintiff alleged sufficient facts to support his claim that a  
14 collection company, in its initial communication, did not comply with the  
15 statutory requirements for notice of validation of debts under the FDCPA);
- 16 i. *Sparrow v. Mazda Am. Credit*, 385 F. Supp. 2d 1063 (N.D. Cal. 2005)  
17 (Court struck Defendant’s counter claim of the underlying debt in a fair  
18 debt action based on lack of subject matter jurisdiction); and,
- 19 j. *Yang v. DTS Financial Group*, 07-CV-1731-JLS (WMc) (Holding that for  
20 profit debt settlement companies are covered under the FDCPA and can be  
21 construed as “debt collectors” under 15 U.S.C. § 1692a(6)).

22 23. Hyde & Swigart has also litigated a significant number of consumer related  
23 actions, including, as a mere sample:

- 24 a. *Bellows v. NCO Financial Systems, Inc.*, 07-CV-01413-W (AJB) (S.D. Cal)  
25 (One of the first-class action settlements under the TCPA in the nation;  
26 Hyde & Swigart served as co-lead counsel; final approval granted in 2009);
- 27 b. *Adams v. AllianceOne, Inc.*, 08-CV-0248-JAH (S.D. Cal) (Nationwide  
28 TCPA class settlement providing class relief of \$40 per claiming class

- 1 member resulting in over \$2,500,000 paid to claiming class members; final  
2 approval granted in 2013);
- 3 c. *Gutierrez, et al. v. Barclays Group, et al.*, 10-CV-1012-DMS (BGS)  
4 (Common fund created in the amount of \$8,262,500 based on the receipt of  
5 unsolicited text messages; final approval granted in 2012);
- 6 d. *Malta, et al. v. Wells Fargo Home Mortgage, et al.*, 10-CV-1290-IEG  
7 (BLM) (Served as co-lead counsel for a settlement class of borrowers in  
8 connection with residential or automotive loans and violations of the TCPA  
9 in attempts to collect on those accounts; obtained a common settlement  
10 fund in the amount of \$17,100,000; final approval granted in 2013);
- 11 e. *Conner v. JPMorgan Chase Bank, et al.*, 10-CV-1284-DMS (BGS) (S.D.  
12 Cal.) (Served as co-lead counsel for the settlement class of borrowers in  
13 connection with residential loans and TCPA violations stemming from the  
14 collection of those accounts);
- 15 f. *In Re: Midland Credit Management, Inc., Telephone Consumer Protection*  
16 *Act Litigation*, 11-md-2286-MMA (MDD) (S.D. Cal.) (Counsel for a  
17 Plaintiff in the lead action, prior to the action being recategorized through  
18 the multi-district litigation process; still actively involved in the MDL  
19 litigation and settlement process);
- 20 g. *In Re: Portfolio Recovery Associates, LLC Telephone Consumer Protection*  
21 *Act Litigation*, 11-md-02295-JAH (BGS) (Counsel for a Plaintiff in the lead  
22 action, prior to the action being recategorized through the multi-district  
23 litigation process; actively involved in the MDL litigation and settlement  
24 process);
- 25 h. *Arthur v. SLM Corporation*, 10-CV-00198-JLR (W.D. Wash.) (Nationwide  
26 settlement achieving the then-largest monetary settlement in the history of  
27 the TCPA: \$24.15 million; final approval granted in 2012);  
28





- 1 i. *Lo v. Oxnard European Motors, LLC, et al.*, 11-CV-1009-JLS-MDD (S.D.  
2 Cal.) (Achieving one of the highest class member payouts in a TCPA action  
3 of \$1,331.25; final approval granted in 2012);
- 4 j. *Sarabri v. Weltman, Weinberg & Reis Co., L.P.A.*, 10-01777-AJB-NLS  
5 (S.D. Cal.) (Approved as co-lead counsel and worked to obtain a national  
6 TCPA class settlement where claiming class members each received  
7 payment in the amount of \$70.00; final approval granted in 2013);
- 8 k. *Mills v. HSBC Bank Nevada, N.A.*, Case No. 12-CV-04010-SI (N.D. Cal.)  
9 (Action was transferred to the Northern District of Illinois and settlement  
10 was preliminarily approved at \$39 million.)
- 11 l. *Heinrichs v. Wells Fargo Bank, N.A.*, 13-CV-05434-WHA (N.D. Cal.);
- 12 m. *Rose v. Bank of America Inc.*, 11-CV-02390-EJD (N.D. Cal) (National  
13 TCPA action achieving a settlement of \$32 million, final approval granted  
14 in August of 2014.).
- 15 n. *CashCall, Inc. v. Superior Court*, 159 Cal. App. 273 (2008); (Allowing the  
16 original plaintiff who lacked standing in a class action to conduct pre-  
17 certification discovery of the identities of potential plaintiffs with  
18 standing);
- 19 o. *Kight v. CashCall, Inc.*, 200 Cal. App. 4th 1377 (2011) (Co-lead counsel  
20 on a class action involving privacy rights under Cal. Penal Code § 632 et  
21 seq. Appeals court reversing the trial courts granting of Defendant’s  
22 motion for summary judgment after case was certified);
- 23 p. *Sherman v. Yahoo!, Inc.*, 2014 U.S. Dist. LEXIS 13286; 13-CV-0041-GPC-  
24 WVG (S.D. Cal.) (TCPA class action where Defendant’s motion for  
25 summary judgment was denied holding that a single call or text message  
26 with the use of an ATDS may be actionable under the TCPA);
- 27 q. *Olney v. Progressive Casualty Insurance Company*, 2014 U.S. Dist. LEXIS  
28 9146 (S.D. Cal.); 13-CV-2058-GPC-NLS (Defendant’s motion to dismiss



- 1 or in the alternative to strike the class allegations was denied finding that  
2 debt collection calls were not exempt from coverage under the TCPA);  
3 r. *Iniguez v. The CBE Group, Inc.*, 2013 U.S. Dist. LEXIS 127066 (E.D.  
4 Cal.); 13-CV-00843-JAM-AC (The court denying Defendant’s motion to  
5 dismiss and to strike class allegations holding that the TCPA applies to any  
6 call made to a cellular telephone with an ATDS);  
7 s. *Geoffroy, et al. v. Washington Mutual Bank*, 484 F. Supp. 2d 1115 (S.D.  
8 Cal. 2007) (Court striking down Defendant’s arbitration agreement as both  
9 procedurally and substantively unconscionable);  
10 t. *Mason v. Creditanswers*, 2008 U.S. Dist. LEXIS 68575; (Holding that a  
11 forum selection clause causing a California consumer to litigate its claims  
12 seems contrary to the policies advanced by certain consumer protection  
13 statutes); and,  
14 u. *Myers v. LHR, Inc.*, 543 F. Supp. 2d 1215 (2008) (Recognizing actual and  
15 statutory damages in the amount of \$92,000 in a default judgment based on  
16 violations of the State and Federal collection statutes).

17 24. The outstanding results mentioned above are a direct result of the diligence and  
18 tenacity shown by my firm in successfully prosecuting complex class actions.  
19 As shown above, I have extensive experience in litigating consumer related  
20 issues, including the Fair Debt Collection Practices Act California Rosenthal  
21 Fair Debt Collection Practices Act and other related consumer statutes.

22 **ADDITIONAL RELEVANT TRAINING,**  
23 **SPEAKING, TEACHING ENGAGEMENTS AND ASSOCIATIONS**

24 25. Besides my experience litigating consumer actions, I was also an Adjunct  
25 Professor of Law at California Western School of Law in San Diego, where I  
26 regularly taught Consumer Law in the evenings.

27 26. I have also given training and seminars to attorneys, judges, students, and  
28 consumers on various topics of “Consumer Law” before the American Bar



1 Association, the National Association of Consumer Advocates, the National  
2 Consumer Law Center, the Consumer Attorneys of California, and the San  
3 Diego County Bar Association.

4 27.I have undergone extensive training in the area of consumer law. The following  
5 is a list of training conferences I attended:

- 6 a. National Consumer Law Conference; Oakland, CA – 2003;
- 7 b. National Consumer Law Conference (FDCPA Mini-Conference); Kansas  
8 City, MO – 2004;
- 9 c. National Consumer Law Conference; Boston, MA – 2004;
- 10 d. Five-day extensive one-on-one training with The Barry Law Office; San  
11 Diego, CA –2005;
- 12 e. Three-day FDCPA Mini-Conference; Minneapolis, MN – 2005;
- 13 f. Four-day extensive one-on-one training with The Barry Law Office;  
14 Minneapolis, MN – 2005;
- 15 g. Four-day National Association of Consumer Advocates Conference;  
16 Minneapolis, MN – 2005;
- 17 h. The Art & Science of Bankruptcy Law, - 2007;
- 18 i. Four-day National Consumer Law Center Conference; Nashville, TN –  
19 2008;
- 20 j. Three-day National Consumer Law Center Conference; Portland, OR -  
21 2008;
- 22 k. Speaker at a Three-day National Consumer Law Center Conference; San  
23 Diego, CA - 2009;
- 24 l. Speaker ABA/JAG presentation to military service members and counsel;  
25 MCRD, San Diego CA – 2010;
- 26 m. Speaker ABA teleconference on defending consumer credit card debt and  
27 related issues; San Diego, CA – 2010;
- 28



- 1 n. Three-day National Consumer Law Center Conference; Seattle, WA -
- 2 2011;
- 3 o. Two-day FDCPA Mini-Conference; New Orleans; LA - 2012;
- 4 p. Two-day National Consumer Law Center Conference on the FDCPA;
- 5 Seattle, WA - 2012; and,
- 6 q. National Consumer Law Center Conference, National Convention;
- 7 Baltimore, MD – 2013
- 8 2. I have also spoken at many conferences, always on consumer law, including:
- 9 a. Speaker at the FDCPA Conference in Las Vegas, NV, March 2019;
- 10 b. Speaker ABA National Conference, Business Litigation Section; Trends
- 11 in Consumer Litigation; San Francisco, CA - 2013;
- 12 c. Speaker National Consumer Law Center; Nuts and Bolts of TCPA
- 13 Litigation; San Antonio, TX - 2014;
- 14 d. Speaker San Diego County Bar Association; Convergence of the FDCPA
- 15 and Consumer Bankruptcy; San Diego, CA - 2014;
- 16 e. Guest Speaker at California Western School of Law; Consumer Law class
- 17 - 2014; and,
- 18 f. 8th Annual Class Action Seminar; San Francisco, CA – 2014

19 I declare under penalty of perjury under the laws of the United States of  
 20 America that the foregoing is true and correct, and that this declaration was executed  
 21 on October 19, 2022.

22  
 23 By: /s/ Robert L. Hyde, Esq.  
 24 ROBERT L. HYDE, Esq.

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