

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TOMEKA BARROW and ANTHONY
DIAZ, Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

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Civil Action File No.

1:16-cv-03577-AT

**DECLARATION OF JASON A. IBEY IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, COSTS AND SERVICE AWARDS**

I, JASON A. IBEY, declare:

1. 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 in every federal district in California and have handled federal litigation in the federal districts of California. I am also a member in good standing with the State Bar of Utah, since May 15, 2018.
2. I am a senior associate with the law firm, Kazerouni Law Group, APC, and co-counsel for the named Plaintiffs in the above-captioned action against defendant JPMorgan Chase Bank, N.A. (“Defendant” or “JPMC”). The

litigation against JPMC is first time that I have represented the two named Plaintiffs.

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 am admitted *pro hac vice* in this action.
5. I have worked on this action since approximately March 21, 2017, when the claims of Anthony Diaz were added through the Second Amended Complaint.
6. I also worked on the matter of *Anthony Diaz v. JPMorgan Chase Bank, NA*, 1:16-cv-02950-KPF (S.D.N.Y.), since the time it was filed on April 20, 2016 to the time it was voluntarily dismissed on February 27, 2017.
7. I participate in both private mediations in this action, and I took the Fed. R. Civ. P. 30(b)(6) deposition of Jennifer McCabe (a representative of Cornerstone Research) on January 25, 2018.
8. As of July 11, 2018, I have personally responded to 56 inquiries from potential class members relating to the settlement, through the email account set up by Class Counsel to communicate with class members.

9. As of July 9, 2018, the settlement administrator reports to Class Counsel that nearly 21,000 claims have been received, 31 people have requested exclusion and there are no objections reported.

CLASS COUNSEL'S EXPERIENCE

10. Prior to being admitted to practice law in California, I interned for the Honorable Deborah Sanchez of the Los Angeles Superior Court, at the Courthouse in Bellflower, California, for approximately two months.
11. I predominantly practice in the Southern District of California; however, I have litigated numerous cases in each federal district in California. I have also litigated cases in district courts outside of California.
12. I practice law almost exclusively in the area of consumer actions, with over 90% of my legal practice dedicated to consumer class actions. I have been involved in litigating several dozens of consumer class actions, obtaining class certification status in five contested cases.
13. I have actively participated in at least nine mediations involving lawsuits involving TCPA claims.
14. I have assisted with drafting six appellate briefs before the Ninth Circuit Court of Appeals.

15. On November 21, 2017, I was finally approved as one of class counsel in the TCPA class action settlement in *Couser v. Dish One Satellite, LLC*, 5:15-cv-02218-CBM-DTB (C.D. Cal.).
16. Before that time, on March 24, 2017, I was final approved as one of the class counsel in a TCPA class action settlement in *Fox v. Spectrum Club of Santa Barbara*, No. 16CV00050 (Cal. Super. Ct., County of Santa Barbara filed Jan. 8, 2016).
17. I have contributed significantly to several consumer class actions in which a favorable published decision was issued, including but not limited to the following cases:
 - a. *Stemple v. QC Holdings, Inc.*, 12-cv-01997-BAS-WVG (S.D. Cal.);
 - b. *Barani v. Wells Fargo Bank, N.A.*, 12-cv-02999-GPC-KSC (S.D. Cal.);
 - c. *Olney v. Job.com, Inc. et al.*, 12-cv-01724-LJO-SKO (E.D. Cal.);
 - d. *Dake v. Receivables Performance Management, LLC, et al.*, 12-cv-01680-VAP-SP (E.D. Cal.);
 - e. *Knutson v. Schwan's Home Service, Inc. et al.*, 12-cv-964-GPC-DHB (S.D. Cal.);
 - f. *Sherman v. Yahoo!, Inc.*, 13-cv-00041-GPC-WVG (S.D. Cal.);
 - g. *Gusman v. Comcast Corp.*, 13-cv-1049-GPC-DHB (S.D. Cal.)

- h. *Webb v. Healthcare Revenue Recovery Group, LLC*, 13-cv-00737-RS (N.D. Cal.); and,
- i. *Barrett v. Wesley Financial Group, LLC*, 13-cv-0554-LAB-KSC (S.D. Cal.).

18. I have served as plaintiffs' counsel in at least the following cases involving various consumer rights claims (including class actions claims):

- a. *Vacarro v. I.C. Systems, Inc.*, 12-cv-02371-JAH-NLS (S.D. Cal.);
- b. *Emanuel v. The Los Angeles Lakers, Inc.*, 12-cv-09936-GW-SH (C.D. Cal.);
- c. *Rivera v. Nuvel Credit Company LLC*, 13-cv-00164-TJH-OP (E.D. Cal);
- d. *Sherman v. Yahoo!, Inc.*, 13-cv-00041-GPC-WVG (S.D. Cal.);
- e. *Olney v. Job.com, Inc. et al.*, 12-cv-01724 -LJO-SKO (E.D. Cal.);
- f. *Webb v. Healthcare Revenue Recovery Group, LLC*, 13-cv-00737-RS (N.D. Cal.);
- g. *Holt v. Redbox Automated Retail, LLC*, 11-cv-3046-DMS-RBB (S.D. Cal.);
- h. *Hunter v. Pioneer Credit Recovery, Inc.*, 13-cv-02090-JAK-DTB (E.D. Cal.);

- i. *Abdeljalil v. GE Capital Retail Bank*, 12-cv-02078–JAH–MDD (S.D. Cal.) (Class Certification granted; Preliminary approval granted);
- j. *Heggen v. CitiBank N.A., et al.*, 13-cv-00021-MWF-PLA (C.D. Cal.);
- k. *Barrett v. Wesley Financial Group, LLC, et al.*, 13-cv-00554-LAB-KSC (S.D. Cal.) (Class certification granted; Injunctive relief granted);
- l. *Couser v. Comenity Bank*, 12-cv-02484-MMA-BGS (S.D. Cal.) (final approval granted);
- m. *Foote v. Credit One Bank, NA., et al.*, 13-cv-00512 -MWF-PLA (C.D. Cal.);
- n. *Island v. Chase Student Loan Services, LLC*, 13-cv-02242-BEN-BLM (S.D. Cal.);
- o. *Montoya v. SLM Corporation et al.*, 14-cv-00287-KAW (N.D. Cal.);
- p. *Robinson v. Credit Control, LLC*, 13-cv-01672 -DMS-WVG (S.D. Cal.);
- q. *Razavi v. IPSOS OTX Corp., et al.*, 13-cv-08972-FMO-MAN (C.D. Cal.);

- r. *Sherman v. Kaiser Foundation Health Plan, Inc.* 3:13-cv-00981-JAH-JMA (S.D. Cal.) (finally approved for \$5,350,000);
- s. *Newman v. AmeriCredit*, 11-cv-03041-DMS-BLM (S.D. Cal.) (finally approved for \$8,500,000 on November 26, 2014);
- t. *Lemieux v. EZ Lube, Inc. et al.*, 12-cv-01791-BAS-JLB (S.D. Cal.) (finally approved for \$479,364 on December 8, 2014);
- u. *Knutson v. Schwan's Home Service, Inc. et al.*, 12-cv-00964-GPC-DHB (S.D. Cal.) (finally approved for \$ 2,535,280);
- v. *Barani v. Wells Fargo Bank, N.A.*, 12-CV-02999-GPC-KSC (S.D. Cal.) (finally approved for \$1,033,361.95); and,
- w. *Fox v. Asset Acceptance, LLC*, 4-cv-00734-GW-FFM (C.D. Cal. July 1, 2016) (finally approved for common fund of \$1,000,000; \$200,000 cash and \$800,000 debt relief).

PUBLICATIONS

- 19. 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.

20. I also wrote an article entitled, *Think twice before filing that Article III challenge*, which was published in the Daily Journal on November 1, 2016.
21. An article that I wrote on California's Invasion of Privacy Act under Cal. Pen. Code 632.7, was published in the May 2018 edition of Plaintiff magazine.

MEMBERSHIPS

22. I am a member of the following organizations:
 - a. The Orange County Bar Association;
 - b. The National Association of Consumer Advocates;
 - c. Consumer Attorneys of California; and
 - d. The American Bar Association.

HOURS INCURRED

23. As of July 12, 2018, I have incurred at least 205 hours working on the litigation, which includes time incurred in this action and in the prior *Diaz* action before the claims of Mr. Diaz were added through the Second Amended Complaint.

**ESTIMATED INDIVIDUAL SETTLEMENT AWARD
TO CLASS MEMBERS**

24. Based on a current claims rate of 8.04%, and assuming all claims submitted thus far are valid and not duplicative, I calculate that each claimant would receive approximately \$65 in this settlement, which assumes that the Court grants the amount for attorneys' fees and litigation costs, and service awards as requested in the fee petition. If a large number of additional claims are received from the present through the claims filing deadline, this estimate would need to be adjusted.

EVIDENCE

25. I have personally reviewed documentary evidence in this case that Plaintiff Diaz received at least 20 calls after he contends that he revoked any alleged consent on or about December 4, 2015.

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EXHIBIT

26. Attached hereto as **Exhibit A** is a true and correct copy of order dated February 10, 2017 in the matter of *Cross v. Wells Fargo Bank, N.A.*, 15-cv-01270-RWS (N.D. Ga. Feb. 10, 2017).

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 July 12, 2018 at St. George, Utah.

By: /s/ Jason A. Ibey
JASON A. IBEY