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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLIFFORD ARMSTRONG, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

CODEFIED, INC., a Delaware
corporation,

Defendant.

No. 2:19-cv-00550-JAM-EFB

**DECLARATION OF STEFAN COLEMAN IN SUPPORT OF PLAINTIFF'S
UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT**

Stefan Coleman declares as follows:

1. I am one of the attorneys designated as Class Counsel for Plaintiff under the Settlement Agreement (“Settlement” or “Agreement”) entered into with Defendant Codefied, Inc.¹ I submit this declaration in support of Plaintiff’s Unopposed Motion for Final Approval of Class Settlement. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

2. Class Counsel are particularly experienced in the litigation, certification, and settlement of nationwide TCPA class action cases. *See* Firm Resume attached hereto as Exhibit

1.

¹ All capitalized defined terms used herein have the same meanings ascribed in the Agreement.

1 3. In this Action, my office co-counseled with the law firm of Kaufman P.A. Both
2 my office and Kaufman P.A. have dedicated substantial resources to the Action's prosecution,
3 and we intend to continue doing so through the duration of the Action.

4 4. Below, I set forth the nature of my work in the Action to demonstrate why Class
5 Counsel's request for attorneys' fees and expenses is reasonable and should be approved by the
6 Court.

7 5. I was involved in all major aspects of litigating this Action. Those efforts
8 generally fell into the following categories: (a) pre-filing investigation and pleadings; (b) post-
9 filing investigation and informal discovery; (c) motion practice; (d) settlement; and (e) case and
10 settlement management.

11 6. I reviewed my time records in connection with the preparation of this Declaration.
12 The purpose of this review was to confirm the accuracy of the time entries, as well as the
13 necessity for, and reasonableness of, the time and expenses committed to this Action. As a result
14 of this review, I believe the time reflected herein and the expenses for which payment is sought
15 are reasonable and were necessary for the effective and efficient prosecution and resolution of the
16 Action.

17 7. In total, I devoted 206.9 hours to this litigation, as of December 30, 2019.² A
18 breakdown of my lodestar is provided below. The total lodestar amount for my time is based on
19 the hourly rate under the Adjusted Laffey Matrix and decreased for the Sacramento area, which is
20 \$730.

21 **Pre-filing Investigation and Pleadings**

22 8. Before filing the Action, I conducted a thorough investigation into the factual and
23 evidentiary basis for the case as well as researching the potential claims Plaintiff and the Class

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² Detailed billing records are available for the Court's in camera inspection on request.

1 had against Codefied. This work involved extensive communication with the Plaintiff, legal
2 research, and drafting the pleadings.

<i>Timekeeper</i>	<i>Hourly Rate</i>	<i>Hours Worked</i>	<i>Lodestar</i>
Stefan Coleman	\$730	65.4	\$47,742

Post-filing Investigation and Informal Discovery

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7 9. This phase of litigation included my work including but not limited to extensive
8 investigation of the Defendant, the claims, and a potential Do-Not-Call claim; extensive
9 discussions regarding informal discovery; review and analysis of thousands of pages of electronic
10 discovery, including call logs and vendor agreements; review and analysis of confirmatory
11 discovery.

<i>Timekeeper</i>	<i>Hourly Rate</i>	<i>Hours Worked</i>	<i>Lodestar</i>
Stefan Coleman	\$730	29.1	\$21,243

Law and Motion Practice

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17 10. During this phase of the litigation, my work included, but was not limited to,
18 analyzing Defendant's Motion to Dismiss and a response in opposition thereto; the briefing of the
19 motion for preliminary approval and the motion for final approval, award of attorneys' fees, costs,
20 and a service award.

<i>Timekeeper</i>	<i>Hourly Rate</i>	<i>Hours Worked</i>	<i>Lodestar</i>
Stefan Coleman	\$730	27.7	\$20,221

Settlement

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26 11. During this phase of the litigation, I was engaged in all aspects of settlement
27 negotiations, including, but not limited to, pre-mediation negotiations with opposing counsel, pre-
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1 mediation call with the mediator, preparation and analysis of materials in advance of mediation,
 2 participating in mediation, and reviewing and revising various iterations of the settlement
 3 agreement and associated documents.

<i>Timekeeper</i>	<i>Hourly Rate</i>	<i>Hours Worked</i>	<i>Lodestar</i>
Stefan Coleman	\$730	52.9	\$38,617

7 **Case and Settlement Management**

8 12. During this phase of the litigation, I reviewed and edited various stipulations and
 9 notices; dealt with scheduling issues; coordinated with settlement administrator regarding the
 10 implementation of the settlement agreement, including reviewing and revising notices; and
 11 addressed inquiries from Class Members about the settlement.
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<i>Timekeeper</i>	<i>Hourly Rate</i>	<i>Hours Worked</i>	<i>Lodestar</i>
Stefan Coleman	\$730	31.8	\$23,214

13 13. Class Counsel represented Plaintiff and the Class on a purely contingent basis.
 14 Class Counsel assumed the significant risk that they would not be compensated for time and out
 15 of pocket expenses invested into this contentious case. This risk of nonpayment incentivized
 16 counsel to work efficiently, to prevent duplication of effort, and to advance expenses responsibly.
 17

18 14. Class Counsel assumed significant risk of nonpayment in initiating and expending
 19 attorney hours in this case given the complex legal issues involved and Defendant’s vigorous
 20 defense of Plaintiff’s and the Classes’ claims.
 21

22 **Reasonable Expenses**

23 15. The costs incurred by Law Offices of Stefan Coleman, P.A. total \$7,897.40, which
 24 were reasonable and necessary to effective litigation of this case. Moreover, Class Counsel
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1 incurred these costs at the risk of receiving nothing in return. The costs reasonably expended in
 2 this action include the following:

<i>Expenses</i>	<i>Amount</i>
Mediation	\$7,000.00
Filing Fees and Service of Process	\$897.40
Total	\$7,897.40

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 9 16. The expenses incurred in this Action are reflected in the books and records of my
 10 firm. These books and records are prepared from receipts, check records, credit card statements,
 11 and other source materials, and are accurate records of the expenses incurred.

12 17. Class Counsel represented Plaintiff and the Class on a purely contingent basis.
 13 Class Counsel assumed the significant risk that they would not be compensated for time and out
 14 of pocket expenses invested into this contentious case. This risk of nonpayment incentivized
 15 counsel to work efficiently, to prevent duplication of effort, and to advance expenses responsibly.

16
 17 18. Class Counsel assumed significant risk of nonpayment in initiating and expending
 18 attorney hours in this case given the complex legal issues involved and Defendant's vigorous
 19 defense of Plaintiff's and the Classes' claims.

20 * * *

21 I declare under penalty of perjury of the laws of the United States that the foregoing is true
 22 and correct.

23 Dated: December 30, 2019

24
 25 /s/ Stefan Coleman
 Stefan Coleman

EXHIBIT 1

STEFAN COLEMAN, P.A.

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EMAIL: LAW@STEFANCOLEMAN.COM

NEW YORK | NEW JERSEY | FLORIDA
WEB: CLASSACTION.WS

The Law Firm Resume

The Law Offices of Stefan Coleman, P.A. is a dynamic law firm that concentrates its practice on consumer law and technology. The core of the law firm is based on an in-depth knowledge of an ever-evolving technology and its impact on the law. Specifically, the firm has devoted much of its practice to protecting consumer's privacy rights as well as protecting consumers from product defects and false advertisements. The firm also works on behalf of companies to alert them to the most recent changes and evolutions in the law as it applies to their industry as well as litigating class action cases. The firm has participated in a number of significant class actions on behalf of consumers.

Stefan Coleman, Esq. is a graduate of the University of Virginia and the University of Miami School of Law. He has practiced law for over twelve years in which time he has participated in a number of significant class actions on behalf of consumers. The following is a brief list of some of the class actions that he has participated in.

Pimental v. Google Inc., a Telephone Consumer Protection Act case that resulted in a \$6 million settlement for consumers who received a text message from Google's Slide app.

Woodman v. ADP Dealer Services, Inc., et al., a Telephone Consumer Protection Act case that resulted in a \$7.5 million settlement for consumers who received unsolicited text messages promoting car sales.

Lanza v. Palm Beach Holdings., et al., a Telephone Consumer Protection Act case that resulted in a \$6.5 million settlement for consumers who received unsolicited text messages.

Kolinek v Walgreen, Co. a Telephone Consumer Protection Act case that resulted in an \$11 million settlement for consumers who received unsolicited calls to their cell phone.

Hopwood v. Nuance Communications., et al., a Telephone Consumer Protection Act case that resulted in a \$9.24 million settlement for consumers who received unsolicited calls.

Kran v. Hearst a Telephone Consumer Protection Act case that resulted in a \$2.1 million settlement for consumers who received unsolicited calls.

Schlossberg v. Gannett Co., Inc. a Telephone Consumer Protection Act case that resulted in a \$13.4 million settlement for consumers who received unsolicited calls.

Mendez v. Price Self Storage, a Telephone Consumer Protection Act case that resulted in a \$450,000 settlement for consumers who received unwanted text messages.

STEFAN COLEMAN, P.A.

Newby v. Rita's Water Ice Franchise., a Telephone Consumer Protection Act case that resulted in a \$3 million settlement for consumers who received unsolicited text messages.

Flanigan v. The Warranty Group, Inc. and American Protection Plans LLC d/b/a American Residential Warranty., a Telephone Consumer Protection Act case that resulted in a \$16 million settlement for consumers who received unsolicited calls.

Martin v. Global Marketing Research Services, a Telephone Consumer Protection Act case that resulted in a \$10 million fund for consumers who received unsolicited calls.

Stone & Co. v. LKQ Corporation, a Telephone Consumer Protection Act case that resulted in a \$3.26 million fund for consumers who received a fax from the defendant.

Dobkin v. NRG, a Telephone Consumer Protection Act case that resulted in a \$7 million fund for consumers who received an unwanted calls from the defendant.

Gergetz v. Telenav, a Telephone Consumer Protection Act case that resulted in a \$3.5 million fund for consumers who received a text message from the Defendant.

Bowman v. Art Van Furniture, a Telephone Consumer Protection Act case that resulted in a \$5.87 million fund for consumers who received unwanted phone calls from the Defendant.