

---

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

---

BRANDI WESLEY, *on behalf of herself and  
others similarly situated,*

Plaintiff,

v.

SNAP FINANCE, LLC,

Defendant.

---

SNAP FINANCE, LLC,

Third-Party Plaintiff,

v.

DERRICK DEON JACKSON, JR., a/k/a  
DERRICK JOHNSON,

Third-Party Defendant.

**DECLARATION OF AARON D. RADBIL  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR ATTORNEYS' FEES,  
COSTS, LITIGATION EXPENSES, AND  
AN INCENTIVE AWARD**

Civil Action No. 2:20-cv-00148-RJS-JCB

District Judge Robert J. Shelby

Magistrate Judge Jared C. Bennett

Pursuant to 28 U.S.C. § 1746, I declare as follows:

1. My name is Aaron D. Radbil.
2. I am over twenty-one years of age.
3. I am fully competent to make the statements included in this declaration.
4. I have personal knowledge of the statements included in this declaration.
5. I am a partner at Greenwald Davidson Radbil PLLC (“GDR”).
6. I am counsel for Brandi Wesley (“Plaintiff”).
7. I was appointed class counsel in this matter.
8. I am admitted to practice before this Court *pro hac vice*.
9. I submit this declaration in support of Plaintiff’s motion for attorneys’ fees, costs,

litigation expenses, and an incentive award.

**GDR**

10. GDR has been appointed class counsel in a number of class actions under the Telephone Consumer Protection Act (“TCPA”), including this matter, as well as:

- *Miles v. Mediacredit, Inc.*, No. 4:20-cv-1186-JAR (E.D. Mo.);
- *Head v. Citibank, N.A.*, No. 3:17-cv-08189- ROS (D. Ariz.);
- *Bonoan v. Adobe, Inc.*, No. 19-cv-01068-RS (N.D. Cal.);
- *Neal v. Synchrony Bank*, No. 3:17-cv-00022-KDB-DCK (W.D.N.C.);
- *Davis v. Mindshare Ventures LLC*, No. 4:19-cv-1961 (S.D. Tex.);
- *Jewell v. HSN, Inc.*, No. 3:19-cv-00247-jdp (W.D. Wis.);
- *Knapper v. Cox Commc’ns, Inc.*, No. 2:17-cv-00913-SPL (D. Ariz.);
- *Sheean v. Convergent Outsourcing, Inc.*, No. 2:18-cv-11532-GCS-RSW (E.D. Mich.);
- *Williams v. Bluestem Brands, Inc.*, No. 8:17-cv-01971-T-27AAS (M.D. Fla.);

- *Martinez v. Mediacredit, Inc.*, No. 4:16-cv-01138 ERW (E.D. Mo.);
- *Johnson v. NPAS Sols., LLC*, No. 9:17-cv-80393 (S.D. Fla.);
- *Luster v. Wells Fargo Dealer Servs., Inc.*, No. 1:15-cv-01058-TWT (N.D. Ga.);
- *Prather v. Wells Fargo Bank, N.A.*, No. 1:15-cv-04231-SCJ (N.D. Ga.);
- *Johnson v. Navient Sols., Inc., f/k/a Sallie Mae, Inc.*, No. 1:15-cv-0716-LJM (S.D. Ind.);
- *Toure and Heard v. Navient Sols., Inc., f/k/a Sallie Mae, Inc.*, No. 1:17-cv-00071-LJM-TAB (S.D. Ind.);
- *James v. JPMorgan Chase Bank, N.A.*, No. 8:15-cv-2424-T-23JSS (M.D. Fla.);
- *Schwyhart v. AmSher Collection Servs., Inc.*, No. 2:15-cv-1175-JEO (N.D. Ala.);
- *Cross v. Wells Fargo Bank, N.A.*, No. 2:15-cv-01270-RWS (N.D. Ga.);
- *Markos v. Wells Fargo Bank, N.A.*, No. 15-1156 (N.D. Ga.);
- *Prater v. Mediacredit, Inc.*, No. 14-00159 (E.D. Mo.);
- *Jones v. I.Q. Data Int'l, Inc.*, No. 1:14-cv-00130-PJK-GBW (D.N.M.); and
- *Ritchie v. Van Ru Credit Corp.*, No. 2:12-CV-01714-PHX-SM (D. Ariz.).

11. As class counsel in these TCPA actions, one of which remains unresolved, GDR helped to recover over \$120 million for class members.

12. During the past seven years GDR has also been appointed class counsel in dozens more class actions under consumer protection statutes other than the TCPA, including:

- *Taylor v. TimePayment Corp.*, No. 3:18-cv-00378-MHL-DJN (E.D. Va.);
- *Spencer v. #1 A LifeSafer of Ariz. LLC*, No. 18-02225-PHX-BSB (D. Ariz.);
- *Dickens v. GC Servs. Ltd. P'Ship*, No. 8:16-cv-00803-JSM-TGW (M.D. Fla.);
- *Kagno v. Bush Ross, P.A.*, No. 8:17-cv-1468-T-26AEP (M.D. Fla.);
- *Johnston v. Kass Shuler, P.A.*, No. 8:16-cv-03390-SDM-AEP (M.D. Fla.);

- *Jallo v. Resurgent Capital Servs., L.P.*, No. 4:14-cv-00449 (E.D. Tex.);
- *Macy v. GC Servs. Ltd. P'ship*, No. 3:15-cv-00819-DJH-CHL (W.D. Ky.);
- *Rhodes v. Nat'l Collection Sys., Inc.*, No. 15-cv-02049-REB-KMT (D. Colo.);
- *McCurdy v. Prof'l Credit Servs.*, No. 6:15-cv-01498-AA (D. Or.);
- *Schuchardt v. Law Office of Rory W. Clark*, No. 3:15-cv-01329-JSC (N.D. Cal.);
- *Globus v. Pioneer Credit Recovery, Inc.*, No. 15-CV-152V (W.D.N.Y.);
- *Roundtree v. Bush Ross, P.A.*, No. 8:14-cv-00357-JDW-AEP (M.D. Fla.); and
- *Gonzalez v. Germaine Law Office PLC*, No. 2:15-cv-01427 (D. Ariz.).

13. Multiple district courts have commented on GDR's useful knowledge and experience in connection with class action litigation.

14. For example, in *Schwyhart v. AmSher Collection Servs., Inc.*, Judge John E. Ott, Chief Magistrate Judge of the Northern District of Alabama, stated upon granting final approval of a TCPA settlement in which he appointed GDR as class counsel:

I cannot reiterate enough how impressed I am with both your handling of the case, both in the Court's presence as well as on the phone conferences, as well as in the written materials submitted. . . . I am very satisfied and I am very pleased with what I have seen in this case. As a judge, I don't get to say that every time, so that is quite a compliment to you all, and thank you for that.

No. 2:15-cv-1175-JEO (N.D. Ala. Mar. 15, 2017).

15. In *Ritchie v. Van Ru Credit Corp.*, Judge Stephen McNamee, Senior U.S. District Court Judge for the District of Arizona, stated upon granting final approval of the TCPA class settlement at issue:

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.

Case No. CIV-12-1714 (D. Ariz. July 21, 2014).

16. In *McWilliams v. Advanced Recovery Sys., Inc.*, Judge Carlton W. Reeves of the Southern District of Mississippi described GDR as follows:

More important, frankly, is the skill with which plaintiff’s counsel litigated this matter. On that point there is no disagreement. Defense counsel concedes that her opponent—a specialist in the field who has been class counsel in dozens of these matters across the country—‘is to be commended for his work’ for the class, ‘was professional at all times’ . . . , and used his ‘excellent negotiation skills’ to achieve a settlement fund greater than that required by the law.

The undersigned concurs . . . Counsel’s level of experience in handling cases brought under the FDCPA, other consumer protection statutes, and class actions generally cannot be overstated.

No. 3:15-CV-70-CWR-LRA, 2017 WL 2625118, at \*3 (S.D. Miss. June 16, 2017).

17. Similarly, in *Roundtree v. Bush Ross, P.A.*, Judge James D. Whittemore of the Middle District of Florida wrote, in certifying three separate classes and appointing GDR class counsel: “Greenwald [Davidson Radbil PLLC] has been appointed as class counsel in a number of actions and thus provides great experience in representing plaintiffs in consumer class actions.” 304 F.R.D at 661.

18. As well, Judge Steven D. Merryday of the Middle District of Florida wrote in appointing GDR class counsel in *James v. JPMorgan Chase Bank, N.A.* that “Michael L. Greenwald, James L. Davidson, and Aaron D. Radbil of Greenwald Davidson Radbil PLLC, each . . . has significant experience litigating TCPA class actions.” 2016 WL 6908118, at \*1.

19. In *Bellum v. Law Offices of Frederic I. Weinberg & Assocs., P.C.*, Judge C. Darnell Jones II of the Eastern District of Pennsylvania took care to point out that GDR was appointed as class counsel “precisely because of their expertise and ability to represent the class in this matter.” 2016 WL 4766079, at \*5 (E.D. Pa. Sept. 13, 2016).

20. In *Donnelly v. EquityExperts.org, LLC*, Judge Terrence G. Berg of the Eastern District of Michigan stated upon approving a Fair Debt Collection Practices Act (“FDCPA”) class

action settlement and appointing GDR as class counsel:

[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.

No. 13-10017 (E.D. Mich. Jan. 14, 2015).

21. In *Riddle v. Atkins & Ogle Law Offices, LC*, Judge Robert C. Chambers of the Southern District of West Virginia noted in approving a class settlement and awarding attorneys' fees:

GDR is an experienced firm that has successfully litigated many complex consumer class actions. Because of its experience, GDR has been appointed class counsel in many class actions throughout the country, including several in the Fourth Circuit. GDR employed that experience here in negotiating a favorable result that avoids protracted litigation, trial, and appeals.

No. 19-249, 2020 WL 3496470, at \*3 (S.D. W. Va. June 29, 2020) (internal citations omitted).

22. In *Cooper v. InvestiNet, LLC*, Chief Judge Tanya Walton Pratt of the Southern District of Indiana wrote:

GDR is an experienced firm that has successfully litigated many complex consumer class actions, including under the FDCPA. Because of its experience, GDR has been appointed class counsel in many class actions throughout the country, including in this district. GDR employed that experience here in negotiating a favorable result that avoids protracted litigation, trial, and appeals.

No. 1:21-cv-01562-TWP-DML, 2022 WL 1125394 (S.D. Ind. April 14, 2022).

23. And in *Head v. Citibank, N.A.*, Judge Roslyn O. Silver of the District of Arizona wrote in certifying a nationwide class action under the TCPA:

Moreover, the quality of Plaintiff's filings to this point, as well as the declarations submitted by the proposed class counsel . . . persuade the Court that Head, Greenwald, and Wilson will continue to vigorously prosecute this action on behalf of the class.

\* \* \*

Significantly, class counsel have provided a list of well over a dozen class actions Greenwald, Wilson, and their respective firms have each litigated, including several under the TCPA. . . . These showings demonstrate counsel's experience in handling class actions, complex litigation, and the types of claims asserted in this action. *See* Fed. R. Civ. P. 23(g)(1)(A)(ii).

340 F.R.D. 145, 152 (D. Ariz. 2022).

24. Additional information about GDR is available at [www.gdrllawfirm.com](http://www.gdrllawfirm.com).

**Aaron D. Radbil**

25. I graduated from the University of Arizona in 2002 and from the University of Miami School of Law in 2006.

26. I have extensive experience litigating consumer protection class actions, including those under the TCPA.

27. In addition to my experience litigating consumer protection class actions, I have briefed, argued, and prevailed on a variety of issues of significant consumer interest before federal courts of appeals, including, for instance:

- *Dickens v. GC Servs. Ltd. P'ship*, 706 F. App'x 529 (11th Cir. 2017);
- *Hernandez v. Williams, Zinman & Parham PC*, 829 F.3d 1068 (9th Cir. 2016);
- *Lea v. Buy Direct, L.L.C.*, 755 F.3d 250 (5th Cir. 2014);
- *Payne v. Progressive Fin. Servs., Inc.*, 748 F.3d 605 (5th Cir. 2014);
- *Stout v. FreeScore, LLC*, 743 F.3d 680 (9th Cir. 2014);
- *Yunker v. Allianceone Receivables Mgmt., Inc.*, 701 F.3d 369 (11th Cir. 2012);
- *Guajardo v. GC Servs., LP*, 498 F. App'x 349 (5th Cir. 2012);
- *Sorensen v. Credit Int'l Corp.*, 475 F. App'x 244 (9th Cir. 2012);
- *Ponce v. BCA Fin. Serv., Inc.*, 467 F. App'x 806 (11th Cir. 2012);
- *Talley v. U.S. Dep't of Agric.*, 595 F. 3d 754 (7th Cir. 2010), *reh'g en banc granted, opinion*

*vacated* (June 10, 2010), *on rehearing en banc* (September 24, 2010), *decision affirmed*, No. 09-2123, 2010 WL 5887796 (7th Cir. Oct. 1, 2010); and

- *Oppenheim v. I.C. Sys., Inc.*, 627 F.3d 833 (11th Cir. 2010).

**Michael L. Greenwald**

28. Mr. Greenwald graduated from the University of Virginia in 2001 and Duke University School of Law in 2004.

29. Mr. Greenwald is admitted to practice before this Court *pro hac vice*.

30. Prior to forming GDR, Mr. Greenwald spent six years as a litigator at Robbins Geller Rudman & Dowd LLP (“Robbins Geller”)—one of the nation’s largest plaintiff’s class action firms, where he focused on complex class actions, including securities and consumer protection litigation.

31. While at Robbins Geller, Mr. Greenwald served on the litigation teams responsible for the successful prosecution of numerous class actions, including: *In re Evergreen Ultra Short Opportunities Fund Sec. Litig.* (D. Mass.); *In re Red Hat, Inc. Sec. Litig.* (E.D.N.C.); *City of Ann Arbor Emps.’ Ret. Sys. v. Sonoco Prods. Co.* (D.S.C.); *Norfolk Cnty. Ret. Sys. v. Ustian* (N.D. Ill.); *Romero v. U.S. Unwired, Inc.* (E.D. La.); *Lefkoe v. Jos. A. Bank Clothiers, Inc.* (D. Md.); and *In re Odimo, Inc. Sec. Litig.* (Fla.).

32. Mr. Greenwald started his career as an attorney at Holland & Knight LLP.

**James L. Davidson**

33. Mr. Davidson graduated from the University of Florida in 2000 and the University of Florida Fredric G. Levin College of Law in 2003.

34. He has been appointed class counsel in a host of consumer protection class actions.

35. Prior to forming GDR, Mr. Davidson spent five years as a litigator at Robbins



Geller, where he focused on complex class actions, including securities and consumer protection litigation.

36. While at Robbins Geller, Mr. Davidson served on the litigation teams responsible for the successful prosecution of numerous class actions, including: *Local 731 I.B. of T. Excavators and Pavers Pension Trust Fund v. Swanson*; *In re Pet Food Prods. Liability Litig.*; *In re Mannatech, Inc. Sec. Litig.*; *In re Webloyalty, Inc. Mktg. and Sales Practices Litig.*; and *In re Navisite Migration Litig.*

**Jesse S. Johnson**

37. Mr. Johnson earned his Bachelor of Science degree in Business Administration from the University of Florida, where he graduated magna cum laude in 2005.

38. He earned his Juris Doctor degree with honors from the University of Florida Fredric G. Levin College of Law in 2009, along with his Master of Arts in Business Administration from the University of Florida Hough Graduate School of Business the same year.

39. While an attorney at GDR, Mr. Johnson has been appointed class counsel in more than a dozen consumer protection class actions, including:

- *Danger v. Nextep Funding, LLC*, 2020 WL 4034822 (D. Minn. July 17, 2020);
- *Claxton v. Alliance CAS, LLC*, 2020 WL 2759826 (S.D. Fla. May 27, 2020);
- *Riddle v. Atkins & Ogle Law Offices, LC*, 2020 WL 1303939 (S.D. W. Va. Feb. 26, 2020);
- *Sullivan v. Marinosci Law Grp., P.C., P.A.*, 2019 WL 6709575 (S.D. Fla. Nov. 22, 2019);
- *Spencer v. #1 A LifeSafer of Arizona LLC*, 2019 WL 1034451 (D. Ariz. Mar. 4, 2019);
- *Aikens v. Mortgage Default Services, LLC*, No. 2:17-cv-01519-RSL, Doc. 47 (W.D. Wash. Sept. 7, 2018);
- *Smith v. Cohn, Goldberg & Deutsch, LLC*, No. 1:17-cv-02291-RDB, Doc. 25 (D. Md. Mar.

8, 2018);

- *Kagno v. Bush Ross, P.A.*, 2017 WL 6026494 (M.D. Fla. Dec. 4, 2017);
  - *Johnston v. Kass Shuler, P.A.*, 2017 WL 1231070 (M.D. Fla. Mar. 29, 2017);
  - *Considine v. Sharinn & Lipshie, P.C.*, 2017 WL 1233845 (E.D.N.Y. Mar. 29, 2017);
  - *Cobb v. Edward F. Bukaty, III, PLC*, 2017 WL 424904 (E.D. La. Jan. 27, 2017);
  - *Fenderson v. Frederick J. Hanna & Assocs., P.C.*, No. 1:15-cv-00964-ODE-JFK, Doc. 52 (N.D. Ga. Oct. 17, 2016);
  - *Marcoux v. Susan J. Szwed, P.A.*, 2016 WL 5720713 (D. Me. Oct. 3, 2016);
  - *Durham v. Schlee & Stillman, LLC*, No. 8:15-cv-01652-GJH, Doc. 23 (D. Md. Oct. 3, 2016);
  - *Kausch v. Berman & Rabin, P.A.*, 2016 WL 3944685 (E.D. Mo. July 8, 2016);
  - *Schell v. Frederick J. Hanna & Assocs., P.C.*, 2016 WL 3654472 (S.D. Ohio July 8, 2016);
  - *Kemper v. Andreu, Palma & Andreu, PL*, 2016 WL 3545935 (S.D. Fla. June 23, 2016);
  - *Chamberlin v. Mullooly, Jeffrey, Rooney & Flynn, LLP*, No. 15-2361, Doc. 44 (D.N.J. June 2, 2016);
  - *Hall v. Frederick J. Hanna & Assocs., P.C.*, 2016 WL 2865081 (N.D. Ga. May 10, 2016);
  - *Lehmeyer v. Messerli & Kramer, P.A.*, 2016 WL 1576439 (D. Minn. Apr. 15, 2016);
  - *Garza v. Mitchell Rubenstein & Assocs., P.C.*, 2015 WL 9594286 (D. Md. Dec. 28, 2015);
- and
- *Baldwin v. Glasser & Glasser, P.L.C.*, 2015 WL 7769207 (E.D. Va. Dec. 1, 2015).

40. Mr. Johnson started his legal career as an associate at Robbins Geller, where he served on the litigation teams responsible for the successful prosecution of numerous class actions, including: *Sterling Heights Gen. Emps.' Ret. Sys. v. Hospira, Inc.*, No. 1:11-cv-08332 (N.D. Ill.);

*Eshe Fund v. Fifth Third Bancorp*, No. 1:08-cv-00421 (S.D. Ohio); *City of St. Clair Shores Gen. Emps.' Ret. Sys. v. Lender Processing Servs., Inc.*, No. 3:10-cv-01073 (M.D. Fla.); and *In re Synovus Fin. Corp.*, No. 1:09-cv-01811 (N.D. Ga.).

### **Attorneys' Fees**

41. GDR accepted this matter on a contingent basis, in connection with which it is permitted to apply to the court for an award of attorneys' fees in an amount not to exceed 35% of any common fund established for the benefit of a class.

42. GDR has not received any payment for its services in this matter to date.

43. GDR devoted significant time and resources to this case to date, including:

- conducting an investigation into the underlying facts regarding Plaintiff's claims and class members' claims;
- researching law relevant to and preparing Plaintiff's class action complaint;
- conferring with counsel for Defendant and preparing an attorney planning meeting report;
- researching law relevant to Defendant's answer and affirmative defenses to Plaintiff's class action complaint;
- researching law relevant to Defendant's third-party complaint;
- preparing and serving Plaintiff's initial written discovery requests to Defendant;
- researching law relevant to and preparing a response to Defendant's motion to stay, and preparing Plaintiff's supplemental authority in support of her response;
- preparing for and participating in the Court's hearing on Defendant's motion to stay;
- conferring with counsel for Defendant and preparing an amended attorney planning meeting report;
- preparing and serving Plaintiff's third-party subpoena to MetroPCS;
- preparing Plaintiff's initial disclosures;
- reviewing, marking up, and compiling Defendant's answers and responses to Plaintiff's initial written discovery requests and rolling document production;

- preparing a Rule 37-related letter to Defendant regarding Defendant's answers and responses to Plaintiff's initial written discovery requests;
- preparing Plaintiff's supplemental written discovery requests to Defendant;
- reviewing, marking up, and compiling MetroPCS's response to Plaintiff's third-party subpoena;
- preparing and serving a third-party subpoena on 3Clogic, Inc.;
- preparing and serving a third-party subpoena on InContact, Inc.;
- preparing and serving a third-party subpoena on MessageMedia, U.S.A., Inc.;
- researching law relevant to and preparing Plaintiff's amended class action complaint;
- researching law relevant to and preparing Plaintiff's motion for leave to file her amended class action complaint;
- working with Plaintiff to prepare for her deposition;
- presenting Plaintiff for her deposition;
- researching law relevant to Defendant's answer and affirmative defenses to Plaintiff's amended class action complaint;
- coordinating with Plaintiff to prepare and serve her answers and responses to Defendant's written discovery requests;
- researching law relevant to and preparing Plaintiff's motion to compel compliance with one of her third-party subpoenas;
- coordinating with Plaintiff to prepare and serve her answers and responses to Defendant's supplemental written discovery requests;
- preparing notices of Rule 30(b)(6) depositions and topics;
- researching law relevant to and preparing Plaintiff's response to Defendant's motion for judgment on the pleadings;
- preparing for and conducting three separate Rule 30(b)(6) depositions of Defendant's designated corporate representatives;

- reviewing, marking up, and compiling Defendant's answers and responses to Plaintiff's supplemental written discovery requests;
- preparing Plaintiff's second supplemental written discovery requests to Defendant;
- reviewing, marking up, and compiling Defendant's answers and responses to Plaintiff's second supplemental written discovery requests;
- working with counsel for 3Clogic, Inc. to prepare a declaration in response to Plaintiff's third-party subpoena;
- working with counsel for InContact, Inc. to prepare a declaration in response to Plaintiff's third-party subpoena;
- working with counsel for MessageMedia, U.S.A., Inc. to prepare a declaration in response to Plaintiff's third-party subpoena;
- researching law relevant to and preparing Plaintiff's motion for class certification, Plaintiff's reply in support of her motion, and Plaintiff's supplemental authority in support of her motion;
- researching law relevant to and preparing Plaintiff's response to Defendant's motion to exclude Plaintiff's expert, and sur-reply in support of Plaintiff's response;
- preparing for and participating in the Court's hearing on Defendant's motion for judgment on the pleadings, Plaintiff's motion for class certification, and Defendant's motion to exclude Plaintiff's expert;
- researching law relevant to and preparing Plaintiff's response to Defendant's Rule 23(f) petition for permission to appeal the Court's ruling granting Plaintiff's motion for class certification;
- researching law relevant to and preparing Plaintiff's proposed Rule 23(c) notice;
- researching law relevant to and preparing Plaintiff's motion in support of her proposed Rule 23(c) notice;
- researching law relevant to and preparing Plaintiff's response to Defendant's motion in support of its proposed Rule 23(c) notice;
- researching law relevant to and preparing Plaintiff's mediation brief and proposed term sheet;
- traveling to and attending mediation with Hon. Steven M. Gold (Ret.) in New York, NY;

- preparing the parties' settlement agreement, and coordinating with counsel for Defendant to finalize the parties' settlement agreement;
- researching law relevant to and preparing Plaintiff's proposed long form notice, postcard notice, postcard claim form, preliminary approval order, and final approval order;
- researching law relevant to and preparing Plaintiff's motion for preliminary approval of the parties' settlement;
- working with the Court-approved claims administrator to facilitate Plaintiff's Rule 23(c) notice plan;
- researching law relevant to and preparing Plaintiff's motion for attorneys' fees, costs, litigation expenses, and an incentive award;
- closely monitoring evolving TCPA case law and its potential impact throughout this case; and
- closely monitoring decisions from the Federal Communications Commission and their potential impact throughout this case.

44. Defendant is free to oppose the attorneys' fee request.

45. Considering the applicable *Johnson* factors, I believe the request for attorneys' fees in the amount of one-third of the common fund is both fair and reasonable.

### **Costs and Expenses**

46. To date, GDR has incurred \$23,582.22 in litigation costs and expenses in connection with this matter.

47. More specifically, GDR incurred the following necessary litigation costs and expenses:

- filing fee for the complaint and application fees, including for admission *pro hac vice* (\$1,150.00);
- process server fees (\$463.00);
- PACER charges (\$44.90);
- deposition transcript costs (\$4,445.58);

- mailing and postage charges (\$15.90);
- expert fees (\$5,531.25);
- travel and lodging expenses (\$4,421.87);
- meal expenses associated with case-related travel (\$587.72); and
- mediation fees (\$6,922.00).

48. As well, GDR incurred additional costs and expenses, such as for photocopies, long distance telephone calls, and computerized legal research on Westlaw, for which GDR does not seek reimbursement.

#### **Incentive Award**

49. Plaintiff has been a model class representative who regularly communicated with her counsel and made decisions with the best interests of class members in mind.

50. Without Plaintiff's efforts and dedication to this matter, a settlement would not have been possible.

51. Plaintiff devoted considerable time and energy to this case over approximately two-and-a-half years, which included, for example, approving iterations of class action complaints, helping to prepare responses to Defendant's two separate sets of written discovery requests to her, participating in many strategy conferences with her counsel, preparing for and sitting for a six-and-a-half-hour deposition, participating in settlement discussions, and attending by telephone mediation in this matter.

52. I firmly believe an incentive award to Plaintiff in the amount of \$10,000 is fair and reasonable.

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

Executed on November 7, 2022

/s/ Aaron D. Radbil  
Aaron D. Radbil