

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Douglas J. Campion (SBN 75381)
THE LAW OFFICES OF DOUGLAS J. CAMPION, APC
17150 Via Del Campo, Suite 100
San Diego, CA 92127
Telephone: (619) 299-2091
Email: doug@djcampion.com

James O. Lattuner
EDELMAN COMBS LATTURNER & GOODWIN, LLC
20 S. Clark Street, Suite 1500
Chicago, Illinois 60603
Telephone: (312) 739-4200
Email: info@edcombs.com

Attorneys for Plaintiffs and the Settlement Class

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

**IN RE: MIDLAND CREDIT
MANAGEMENT, INC.,
TELEPHONE CONSUMER
PROTECTION ACT LITIGATION**

Case No. 11-md-2286-MMA (MDD)
Member cases: 10-cv-02261
10-cv-02600
10-cv-02368
10-cv-02370

**CLASS ACTION
SUPPLEMENTAL DECLARATION
OF DOUGLAS J. CAMPION IN
SUPPORT OF PLAINTIFFS’
MOTION FOR FINAL APPROVAL
Date: Aug. 23, 2016
Time: 2:00 p.m.
Judicate West
405 West Broadway, Suite 2400
San Diego, CA 92101**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Douglas J. Campion, declare:

1. I am one of the attorneys for the Plaintiffs, Christopher Robinson (“Robinson”), Eduardo Tovar (“Tovar”), and Dave Scardinia (“Scardinia”), in this action (“Midland MDL”), and co-lead counsel in this action. I submit this supplemental declaration in support of the Motion for Final Approval to apprise the Court of the almost final number of claims and the current estimate of the number of participants in both the Credits group and the Cash group in order to provide the best estimate of the amount the claimants in each group will receive. I am licensed to practice law in California and this Court as well as all federal courts in this state. If called as a witness, I would competently testify to the matters herein from personal knowledge, or based on the knowledge of KCC, the claims administrator, as relayed to me this date.

2. The final numbers set forth below are approximately **\$25.00** for the Cash group and **\$60.00** for the Credits group. There are still approximately 122 pending claims that have not yet been processed, but they should not affect the final numbers below in a significant manner.

3. In the most recent declaration from Eric Robin, KCC, the claims administrator, filed August 12, 2106 (ECF No. 375), he set forth the results of the claims processed by KCC as of that date. Since that time, there has been additional work done on the processing of the claims, resulting in updated numbers, especially for those claimants that have recently responded to KCC’s claim deficiency letters. In addition, KCC has been able to spend additional time to determine which claims were duplicate claims. Now that the duplicate claims have almost been eliminated to the extent possible, we can provide information on the claims that is more accurate, therefore leading to a better estimate of the final pro rata amounts to be provided by credits and by cash payments.

1 4. We are asking the Court to include the relatively few valid late claims,
2 704, in order to allow the most equitable result, given that many late claimants had
3 valid excuses for the late filing, and that the very few late claims does not diminish
4 the pro rata amount received by either group by more than a few cents. But both
5 numbers are included below for the Court's reference.

6 5. As relayed by Eric Robin of KCC, the updated numbers are as follows:

- 7 A. Total number of claims, including late claims: 329,856
8 B. Total number of valid claims: 292,438
9 C. Number of late claims: 1,128 of which 704 were not denied but
10 included in the "late" and "valid" category
11 D. Number of known claimants with Midland accounts to receive
12 credits: All: 214,040; only timely claims: 213,612
13 E. Number of persons to receive cash payments: All: 78,398; only
14 timely claims: 78,122
15 F. Number of persons whose claims are still pending without a
16 determination yet as to which group they are in: 122. That amount
17 will not affect the final numbers in either group in a significant way.

18 6. As a result of the above computations, the current estimates for credits
19 and cash payments are as follows:

- 20 A. \$13,000,000 divided by 214,040 (all) = **\$60.73**.
21 \$13,000,000 divided by 213,612 (timely only) = \$60.85.
22 B. \$1,992,500¹ divided by 78,398 (all) = **\$25.41**.
23 \$1,992,500 divided by 78,122 (timely only) = \$25.50.

24 We recognize that the cash payment will further decrease on a pro rata basis based
25 on the final payment for the Special Master's services, which are to be deducted
26 from the Cash Component before the pro rata distribution is determined. As an
27

28 ¹ \$2,000,000 minus the \$7,500 in incentive payments.

1 example, assuming the total deductions for incentive payments and Special Master
2 fees are \$50,000, leaving \$1,950,000, the amounts to be paid are **\$24.87** for all cash
3 claimants, and if timely only are considered, \$24.96.

4 I declare under penalty of perjury that the foregoing is true and correct.
5 Executed on August 22, 2016, pursuant to the laws of the United States.

6
7 /s/ Douglas J. Campion
8 Douglas J. Campion
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Certificate of Service

I, Douglas J. Campion, hereby certify that on August 22, 2016 a copy of the following document was served on all counsel of record who are registered with the Court's electronic case filing (ECF) system by operation of the ECF system:

SUPPLEMENTAL DECLARATION OF DOUGLAS J. CAMPION IN SUPPORT OF FINAL APPROVAL

/s/ Douglas J. Campion
Douglas J. Campion