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*Attorneys for Plaintiffs and the Settlement Class*

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

<p>14 <b>IN RE: MIDLAND CREDIT</b> 15 <b>MANAGEMENT, INC.,</b> 16 <b>TELEPHONE CONSUMER</b> 17 <b>PROTECTION ACT LITIGATION</b></p>	<p>Case No. 11-md-2286-MMA (MDD) Member cases: 10-cv-02261 10-cv-02600 10-cv-02368 10-cv-02370</p> <p><b><u>CLASS ACTION</u></b> <b>DECLARATION OF JAMES O.</b> <b>LATTURNER IN SUPPORT OF</b> <b>FINAL APPROVAL OF CLASS</b> <b>ACTION SETTLEMENT AND</b> <b>CERTIFICATION OF</b> <b>SETTLEMENT CLASS</b></p> <p>Date: August 26, 2016 Time: 9:00 a.m. Courtroom: 3A Judge Michael M. Anello</p>
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1. I, James O. Lattuner, hereby declare that I am over the age of 18 years old and, if called as a witness, could testify competently and on the basis of personal knowledge to the facts set forth in this Declaration.
2. I have been practicing law for 54 years; for approximately 7 of those years, I was primarily involved in litigating individual actions; and for approximately 47 of those years, I have been litigating both class and individual actions.
3. I have been a member in good standing of the State Bar of Illinois since 1962 and have been admitted to practice in numerous federal courts around the country, including those in California.
4. I am one of the attorneys for the Plaintiffs in this action, and was named as Co-Lead Class Counsel for the Settlement Class in the Court's December 9, 2015 Order preliminarily approving the settlement. (ECF No. 291.) I submit this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement.
5. As set forth more fully in the Declaration of Douglas J. Campion in Support of Final Approval of Class Action Settlement and Certification of Settlement Class, this Settlement should be approved as adequate, fair, and reasonable.
6. Without question, Plaintiffs' claims were meritorious. At the same time, the risks and uncertainties associated with class action litigation rendered it advisable, and in the best interests of the Class, to reach a settlement beneficial to Class members.
7. In my experience of TCPA class actions, a 5.4% response rate from Class members based on the notice postcards received by the Class is an above average response rate. The high response rate attests to the benefits of the Settlement as well as the effectiveness of the notice that was disseminated to Class members.

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8. Each of the 329,755 claimants will receive approximately \$23.49 in cash or approximately \$58.84 in the form of a credit against what they owe Defendants. This is a good recovery for Class members who, absent this case and this Settlement, would not have obtained any relief from Defendants for the violations of the Telephone Consumer Protection Act alleged in the Consolidated Complaint. Class members who wished to recover additional damages from Defendants had the opportunity to opt-out, and a small minority of the total number of Class members (446 including 11 late opt-outs) did so. Further, the Settlement's \$20 million value may serve as a deterrent to future violations of the TCPA by Defendants. As will be set forth in more detail in a separate pleading, the objections raised by the 32 objectors are either confused or meritless.

9. In sum, given all the relevant circumstances, I believe this settlement is fair and reasonable and merits the Court's approval.

10. For the sake of brevity, I am not including my credentials and experience in this Declaration. For that information, I refer the Court to the Declaration of James O. Lattuner in Support of Motion for Award of Attorney's Fees and Costs. (ECF No. 318.)

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

Executed on July 22, 2016 at Chicago, Illinois pursuant to the laws of the United States.

*/s/ James O. Lattuner*  
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