

1 **LAW OFFICES OF DOUGLAS J. CAMPION, APC**

2 Douglas J. Campion, Esq. (75381)

3 doug@djcampion.com

4 17150 Via Del Campo, Suite 100

5 San Diego, CA 92127

6 Telephone: (619) 299-2001

7 Facsimile: (619) 858-0034

8 James O. Lattuner

9 EDELMAN COMBS LATTURNER & GOODWIN, LLC

10 120 S. Lasalle Street, Suite 1800

11 Chicago, Illinois 60603

12 Telephone: (312) 739-4200

13 Email: jlattuner@edcombs.com

14 Attorneys for Plaintiffs

15 and Proposed Settlement Class

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

18 **IN RE: MIDLAND CREDIT**
19 **MANAGEMENT,**
20 **INC., TELEPHONE**
21 **CONSUMER PROTECTION**
22 **ACT LITIGATION**

23 **Case No.: 3:11-md-02286-MMA-**
24 **MDD**

25 **Member cases: 10-cv-02261**

26 **10-cv-02600**

27 **10-cv-02368**

28 **10-cv-02370**

CLASS ACTION

DECLARATION OF FRANK J.
JOHNSON IN SUPPORT OF
MOTION FOR ATTORNEYS'
FEEES AND COSTS

Hon. Michael M. Anello

Courtroom: 3

Hearing Date: August 26,
2016

Time: 9:00 a.m.

1 I, Frank Johnson, declare as follows:

2 1. I am an attorney licensed to practice before all California courts and this court
3 as well. I regularly practice in the courts of the Southern District of
4 California and am familiar with the hourly rates charged by attorneys who
5 practice in California District Courts, including this Court. I am submitting
6 this declaration at the request of Douglas J. Champion in support of his request
7 for approval of the fees requested in the case, specifically the reasonableness
8 of his hourly rate. If called as a witness, I could and would testify to the
9 matters herein from personal knowledge.

10 2. I am a partner with the firm of Johnson & Weaver, LLP located in San Diego,
11 California. I have been licensed to practice law in the State of California
12 since 1994 and have been a named partner in my own firms since 2004. I was
13 a partner in a large San Diego firm and practiced complex litigation before I
14 left to start my own firm. I litigate class and derivative actions as well as
15 business cases. A majority of my firm's revenues is generated by our class
16 and derivative actions.

17 3. In my experience in litigating many class actions, I have had the opportunity
18 to see the fees charged by other counsel in class actions. I understand Mr.
19 Champion's billing rate is \$750 per hour in this Telephone Consumer
20 Protection Act case. I understand Mr. Champion has been in practice for
21 almost 39 years, since 1977, and litigating class actions since 1989, about 26
22 years. I also understand that he has been designated as lead or co-lead counsel
23 in many class actions as well during that time period. Based on my
24 experience, and the billing rates I have seen charged in the local community
25 by attorneys in class actions and complex litigation, that hourly rate of \$750 is
26 very reasonable. In fact, that hourly rate is much less than many attorneys'
27 hourly rates with less experience. I have also worked on at least one case
28 with Mr. Champion and know his ability and skill level. Therefore, in my

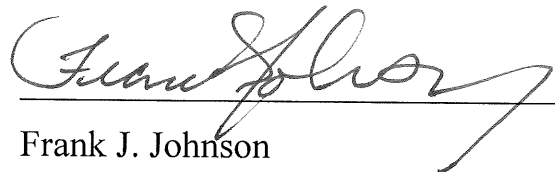
1 opinion \$750 per hour is a reasonable hourly rate for Mr. Champion in a class
2 action, especially where he is lead or co-lead counsel.

3 4. I understand that his co-counsel are also seeking fees and are billing at rates
4 equal to or below Mr. Champion's hourly rate, including co-lead counsel,
5 James Latturmer, an attorney with more experience than Mr. Champion. In my
6 opinion, the rates charged by those attorneys are reasonable in the local
7 community.

8 5. My current billing rate is \$825 per hour, for clients in both contingency cases
9 and cases where my firm is paid by the hour. That rate is comparable to other
10 attorneys in the local community with my experience and handling the types
11 of class and complex cases our firm litigates.

12 I declare under the penalty and perjury under the laws of the State of California
13 and the United States, that the foregoing is true and correct.

14
15 Executed at San Diego, California on March 18, 2016.

16
17 
18 Frank J. Johnson