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13 Co-Lead Counsel for Plaintiffs

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

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

21 CASE NO. 11-md-2286-MMA MDD
22 CLASS ACTION

23 **DECLARATION OF DAVID P.**
24 **SCHAFFER IN SUPPORT OF**
25 **MOTION FOR AWARD OF**
26 **ATTORNEYS' FEES, COSTS,**
27 **AND INCENTIVE AWARDS**
28 **FOR PLAINTIFFS**

DATE: AUG. 26, 2016

TIME: 9:00 A.M.

CTRM: 3A

THE HON. MICHAEL M. ANELLO

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DECLARATION OF DAVID P. SCHAFER

I, David P. Schafer, declare:

1. My name is David P. Schafer and I am one of the attorneys representing Plaintiff Eduardo Tovar in the above captioned matter. I am the owner and founder of the Law Offices of David P. Schafer PLLC, and I am an attorney of record for Plaintiff, Eduardo Tovar. I have worked on this litigation for over five years from before its filing until the entry of the settlement agreement before the court. I make the following statements based upon my own personal knowledge. If called upon to testify regarding same, I can and would do so competently.
2. I submit this declaration in support of Plaintiffs' and Liaison Counsel's request for reimbursement of fees and costs incurred in the prosecution of the above captioned matter. I seek compensation from the date the Law Offices of David Schafer, PLLC began representing Mr. Tovar in 2010. During the more than five year process leading up to this Fee Application, I kept contemporaneous and precise records concerning our billable hours as they relate to this case. In total, I have personally incurred 46 hours during the course of this litigation. My associate, Brian Trenez, has incurred 62.4 hours. His billing rate is \$400 per hour, which I consider to be reasonable for an attorney with his experience as a consumer rights attorney. He has been practicing since 2009. His lodestar is \$24,960.
3. Moreover, my firm has expended \$1,528.15 in costs. Upon request, I will provide the Court with a detailed overview of the hours I have billed as I kept my records contemporaneously with performing each task.
4. In the latter part of 2012, I retained Kira Rubel to assist my firm as co-counsel to assist in representing Mr. Tovar. In performance of her duties, she performed 150.4 hours of work. Her billing rate is also \$400 per hour, for

1 her lodestar of \$60,160. That is reasonable for an attorney with her
2 experience. She has been a licensed attorney since 2007 and has her own
3 practice. Ms. Rubel kept contemporaneous records of her time which are
4 available upon request.

- 5 5. I am admitted to the Bar of the State of Texas and have been admitted pro
6 hac vice before the Southern District of California. I have been appointed
7 liaison counsel in this case. I am admitted to practice or have been admitted
8 to practice in the following jurisdictions: Western District of Texas, Southern
9 District of California, District of Colorado, Northern District of California
10 and Middle District of Florida.
- 11 6. I have been licensed to practice law since December 1996. I have practiced
12 almost exclusively in the area of consumer protection since 2005.
- 13 7. I have been involved in the following TCPA Class Cases:
- 14 a. *In re Enhanced Recovery Company*, Case No. mdl 2398 (Class action;
15 Counsel for Plaintiff, Latasha Blake, in the lead action, prior to the
16 action being re-categorized through the multi-district litigation
17 process; Participated actively in every step of the litigation and
18 settlement process.)
 - 19 b. *Alvarado v. Protocol Recovery Services*, case no. 14-cv-1124; (Class
20 action; Counsel for plaintiff.);
 - 21 c. *Alvarado v. Bay Area*, case no. 14-cv-02549 (Class action; Counsel for
22 plaintiff.);
 - 23 d. *Mata v. Veros Auto Credit, LLC*, case no. 16-cv-00098-DOC-JCG
24 (Class action; Counsel for plaintiff.)
- 25 8. Since the inception of the representation agreement with Eduardo Tovar, I
26 have been involved in every aspect of the case from preparation and review
27 of the initial complaint, monitoring of the MDL for which I was appointed
28 liaison counsel, appearing at hearing seeking preliminary approval of the

1 settlement, and periodic updates and discussions with individual counsel for
2 the non-class cases which are part of the MDL.

3 9. For my services as an attorney in this case, I request my customary hourly
4 rate of \$500 per hour. I am familiar with the customary hourly rates that
5 many attorneys charge in the San Diego area for litigation services of the
6 type performed in this case, and believe this to be in line with those rates for
7 an attorney with 19 plus years of experience. Thus, my personal lodestar is
8 \$23,000.

9 10. Therefore, my firm has a total lodestar of \$108,120 based on the work of the
10 three attorneys as set forth herein.

11 11. I expect to expend more hours before the completion of this case in my
12 capacity as liaison counsel as I assist with discovery coordination for the
13 individual cases.

14 I declare that the foregoing is true under penalty of perjury and the laws of the
15 State of California and the United States. Executed on March 22, 2016.

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17 By: /s/ David P. Schafer
18 David P. Schafer, Esq.
19 Attorney for Plaintiff, Eduardo Tovar
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