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

<p>IN RE: MIDLAND CREDIT MANAGEMENT, INC., TELEPHONE CONSUMER PROTECTION ACT LITIGATION</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>DECLARATION OF PLAINTIFF EDUARDO TOVAR IN SUPPORT OF MOTION FOR ATTORNEY'S FEES AND COSTS AND INCENTIVE PAYMENTS</p> <p>Judge Michael M. Anello</p>
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I, Eduardo Tovar, declare:

1. I am one of the named Plaintiffs in the above captioned consolidated Multi-District Litigation class action against Midland Funding, LLC ("Midland Funding"), Midland Credit Management, Inc. ("MCM"), and Encore Capital Group, Inc. ("Encore") (collectively referred to as "Defendants"). If called as

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2 a witness, I would competently testify to the matters herein from personal
3 knowledge. I am filing this declaration in support of our request for
4 Plaintiffs' Motion for Attorneys' Fees and Costs and for Incentive Awards to
5 the Class Representatives.

6 2. I, through my counsel, brought a class action against Defendants on
7 December 17, 2010, in the United States District Court for the Southern
8 District of California, claiming violation of Section 227(b)(3)(B) of the
9 Telephone Consumer Protection Act ("TCPA"), codified at 47 U.S.C. § 227
10 *et seq.* The complaint alleged that Defendants violated the TCPA by
11 robocalling my cellular telephone, or using an artificial or prerecorded voice,
12 while attempting to collect a debt without my prior express consent to do so.
13 My case was subsequently transferred to this Court for coordinated and
14 consolidated proceedings.

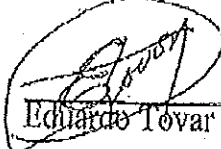
15 3. I personally have met with my attorney Brian J. Trenez of the Law Offices of
16 David Schafer, in filing the Southern California lawsuit, in preparing the
17 Complaint, and responding to Defendants' multiple discovery requests, in
18 which I looked for responsive documents and assisted counsel with my
19 responses. Though the course of this litigation I have been in communication
20 with my counsel and have spent hours of time in communicating with my
21 counsel and working on answering the discovery requests to me. I was
22 willing and available to be deposed, but was not deposed in this matter.

23 4. I understand that my attorneys have requested that the three class
24 representatives be awarded incentive payments of up to \$2,500 each (total of
25 \$7,500) to be paid from the Settlement Fund. I understand that any such
26 award has to be approved by the Court. I understand that these service
27 awards are not conditioned on the approval of the Settlement and I
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2 understand that although the settlement could be approved, the Court could
3 decide to award a smaller amount or no amount at all.

- 4 5. I support the request of my attorneys, Edelman, Combs, Lattuner &
5 Goodwin, LLC and Law Offices of Douglas J Campion, APC to be
6 confirmed as class counsel for purposes of this action and for purposes of
7 proceeding with the final approval of the settlement and to be awarded a fair
8 and reasonable amount of attorneys' fees based on the work they performed.
- 9 6. I believe that the terms of the settlement agreement to which I signed are fair
10 and reasonable to the settlement class.

11 I declare under penalty of perjury that the foregoing is true and correct.
12 Executed under the laws of the United States, in Laredo, Texas on March 23, 2016.

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15 Eduardo Tovar
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