

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re Collecto, Inc. Telephone
Consumer Protection Act (TCPA)
Litigation

Master No. 1:14-md-2513-RGS
Individual Case No. 1:14-cv-10478-RGS

This Document Relates To:
All Member Actions

**DECLARATION OF J. ANDREW MEYER SUPPORTING
PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL**

I, J. Andrew Meyer, pursuant to 28 U.S.C. §1746, declare as follows:

1. I am an attorney duly admitted to practice law in the state of Florida and I am admitted *pro hac vice* to practice before this Court. I submit this declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement. The facts herein stated are true of my own personal knowledge and if called to testify to such facts, I could and would do so competently.

2. I am a member of the Morgan & Morgan Complex Litigation Group which focuses its practice on representation of consumers in class actions brought pursuant to Fed. R. Civ. P. 23.

3. I am an experienced class action attorney who has since 2005 focused my practice on consumer class actions on behalf of plaintiffs. I have litigated complex class action cases in state and federal courts throughout the country, with those cases ranging from class actions involving consumer products and consumer protection statutes, to civil rights class actions and insurance and banking class actions brought on behalf of consumers. I have served or been court appointed as class counsel in a number of class action cases. I was appointed co-lead counsel *In re TracFone Unlimited Service Plan Litigation*, Case No. 13-cv-03440-EMC (District Court for the Northern District of California), a case involving allegations of deceptive trade practices in the advertising of wireless service plans. I was appointed co-lead class counsel in *Paugh v.*

Walgreen Company, Case No. 12-cv-21229-JEM (District Court for the Southern District of Florida), a case involving allegations of deceptive trade practices in the labeling of a food product, and appointed as class counsel *In re Black Farmers Discrimination Litigation*, Case No. 08-ML-0511-PLF (District Court for the District of Columbia), a case resulting in a \$1.2 billion settlement for farmers subjected to discrimination by the USDA. I served as class counsel in *DeHoyos v. Allstate Corp.*, Case No. 01-CA-1010-FB (District Court for the Western District of Texas), a case involving a class of African-American and Hispanic insureds alleging racial discrimination in the underwriting of homeowners' insurance. I was appointed by the court to serve as a member of the Plaintiffs' Steering Committee in the case of *In Re: Apple iPhone 3G and 3GS "MMS" Marketing and Sales Practices Litigation*, MDL No. 2116 (District Court for the Eastern District of Louisiana). In the state court in Florida, I was appointed as co-lead class counsel in *Algarin v. Tivoli Community Developers, Inc.*, Case No. 2008-CA-000193-O (Florida 9th Judicial Circuit Court, Orange County), which involved a class of homeowners alleging they had been misled into purchasing homes located on a former WWII bombing range. Also, in Florida state court, I was appointed as co-lead class counsel in *Lieber v. Bank of America, N.A.*, Case No. 2012-3622-CI-91S (Florida 6th Judicial Circuit Court, Pinellas County), a case involving allegations of unlawful debt collection activity by a national bank. I have been involved in a number of class action cases brought on behalf of elderly consumers who alleged they were duped into purchasing certain deferred annuity products, with one notable example being *Healey v. Allianz Life Ins. Co. of North Am.*, Case No. 05-cv-8908 (District Court for the Central District of California). I was appointed co-lead class counsel in a case concerning alleged violations of the FDCPA and FCCPA, *Narvaez v. Law Offices of Antonio Duarte, III, P.A.*, Case No. 8:14-cv-01646 (District Court for the Middle District of Florida), and was appointed as co-lead class counsel in a case involving allegations that a timeshare developer violated the Fair Credit Reporting Act, *Best v. Bluegreen Corp.*, Case No. 9:14-cv-80929 (District Court for the Southern District of Florida). In addition to the present case, I have prosecuted a number of TCPA cases, both on a class basis and on an individual basis, with my most recent TCPA case being *Buehler v. Synchrony Bank*, Case No. 8:16-cv-02628 (District

Court for the Middle District of Florida). In addition to serving as co-lead counsel in the present case, I have recently been appointed, and am continuing to serve as, co-class counsel in a case involving allegations that an insurance company has violated Florida's Personal Injury Protection ("PIP") laws by reducing PIP benefits on grounds not supported by relevant Florida Statutes, *AA Suncoast Chiropractic Clinic, P.A. v. Progressive American Insurance Company, et al.*, Case No. 8:15-cv-02543 (District Court for the Middle District of Florida). Finally, I am currently serving as sole lead class counsel in a case involving alleged violations of the FDCPA and FCCPA, *Patterson et al vs. Greenspoon Marder, P.A*, Case No. 0:16-cv-60025-KMW (District Court for the Southern District of Florida).

4. As outlined in the declaration of my co-lead counsel in this action, Mr. David Parisi, the present case has been extensively litigated, and the settlement agreement we have submitted to the Court for preliminary approval has been negotiated with the benefit of a fulsome record. Not only did my co-counsel and I have the benefit of answers to extensive written discovery from Collecto prior to engaging in settlement negotiations, but we also had taken numerous depositions of Collecto's designated representatives, deposed Collecto's TCPA expert, and opposed a motion for summary judgment all before negotiating the terms of the present settlement.

5. In addition, my co-counsel and I attended mediation on two separate occasions, and with the assistance of two experienced and well-respected mediators, our settlement negotiations with Collecto were always conducted at arm's length and in good faith. The parties did not negotiate or agree upon any attorney's fee award and only discussed a potential upper limit on class representative incentive awards until after all material terms of the present settlement agreement had been agreed upon.

6. Throughout the settlement process and before finally entering into the Settlement Agreement that is the subject of the motion for preliminary approval now, Mr. Parisi and I carefully weighed: (1) the benefits to Plaintiffs and the Class under the terms of this Settlement Agreement; (2) the attendant risks and uncertainty of litigation; (3) Defendant's vigorous defense of the litigation and continued denial of liability, as well as the resources available to the

Defendant to satisfy any judgment, particularly on a class-wide basis; (4) the desirability of consummating this Settlement Agreement to ensure that the Class received a fair and reasonable Settlement, without punishing or potentially bankrupting the company; and (5) providing Plaintiff and Class Members prompt relief.

7. In sum, the parties have vigorously litigated and investigated this matter since its inception. The proposed settlement comes only after many discovery disputes, challenges to the merits, analysis of certification factors and investigation into Collecto's insurance coverage and ability to pay a potential judgment. Given the information learned from discovery, the strengths and weakness of the defenses asserted by Defendant, and the inherent risks of trial and a litigated motion for class certification, all compared to the benefits achieved for the class, Mr. Parisi and I believe the Settlement Agreement is fair, reasonable and adequate. The results obtained on behalf of the class as part of this settlement provide significant benefits to class members, and based upon our collective experience in litigating consumer class action cases, we wholeheartedly believe this Settlement Agreement is in the best interest of class members.

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

Executed this 12th day of July, 2017, in Largo, Florida.

/s/ J. Andrew Meyer
J. Andrew Meyer, Esq.