

**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

This Document Relates To:
All Member Actions

**DECLARATION OF J. ANDREW MEYER IN SUPPORT OF PLAINTIFFS' MOTION
FOR AN AWARD OF ATTORNEYS' FEES, COSTS AND EXPENSES**

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

1. My name is J. Andrew Meyer and I am over the age of 18.
2. I am an attorney duly admitted to practice law in the states of Florida and New Jersey. I was admitted to practice in Florida in 1995 and in New Jersey in 1996.
3. I submit this declaration in support of Plaintiffs' Motion for an Award of Attorneys' Fees, Costs and Expenses. The facts stated are true of my own personal knowledge and if called to testify to such facts, I could and would do so competently
4. 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, as well as cases brought under the TCPA and the FDCPA. Some examples of class action cases where I have served or been court appointed as class counsel include: *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, where I was appointed as co-lead class counsel; *In re Black Farmers Discrimination Litigation*, Case No. 08-ML-0511-PLF (District Court for the District of Columbia), where I was appointed class counsel in a case resulting in a \$1.2 billion settlement for farmers subjected to discrimination by the USDA; *DeHoyos v. Allstate Corp.*, Case No. 01-CA-1010-FB (District Court for the Western District of Texas), where I served as class counsel in a case involving a class of African-American and Hispanic insureds alleging racial discrimination in the underwriting of homeowners' insurance. Other examples of cases where I have served in a leadership capacity include *In Re: Apple iPhone 3G and 3GS "MMS" Marketing and Sales Practices Litigation*, MDL No. 2116 (District Court for the Eastern District of Louisiana), where I served as a member of the Plaintiffs' Steering Committee; *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 where I was appointed co-lead class counsel; *Best v. Bluegreen Corporation*, Case No. 9:14-cv-80929 (District Court for the Southern District of Florida), where I was appointed as co-lead class counsel in a case alleging violations of the Fair Credit Reporting Act; *Regalado v. Greenspoon Marder, P.A.*, Case No. 0:16-cv-60025 (Southern District of Florida), a case alleging a violation of the Fair Debt Collection Practices Act and where I was appointed as lead class counsel; and *Narvaez v. Law Offices of Antonio Duarte, III, P.A.*, Case No. 8:14-cv-01646 (District Court for the Middle District of Florida), also a case where I was appointed as class counsel in a case involving alleged violations of the FDCPA. I have been appointed as class counsel in state courts, as well, including 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 and 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 was also 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). In addition to prosecuting class action matters, I have litigated a number of individual cases in federal court alleging violations of the TCPA and the FDCPA.

5. I was appointed Co-Lead Class Counsel by this Court on March 7, 2014. I submit this declaration in support of class counsel's application for an award of attorneys' fees, costs and expenses in connection with my professional services rendered in this litigation.

6. My work in this case began in October of 2013 as co-counsel for Robert Pegg. Initially, my work centered around learning about the underlying facts, making an appearance in the action, and drafting and filing various pleadings with the Judicial Panel for Multidistrict Litigation. A review of my time entries reflect that I expended 20.6 hours in this early stage of the litigation, which encompassed October 15, 2013, through February 28, 2014.

7. In the next phase of the litigation, my attention turned to discovery and class certification related issues. This second phase encompassed the time period from March 1, 2014, to December 31, 2014. My time entries reflect that I expended 110.7 hours performing work in this phase of the case. Among other things, I spent time during this phase applying for co-lead status with the Court, working with co-counsel and opposing counsel to prepare a confidentiality agreement, drafted and served initial disclosures for Mr. Robert Pegg, prepared for and participated in numerous discovery related telephone calls both with co-counsel and with opposing counsel,

prepared additional discovery to Defendant, worked with co-counsel in drafting an opposition to Defendant's motion to stay the litigation, retained and worked with our expert Randall Synder, and prepared for and traveled to Los Angeles and Boston for depositions of Collecto's witnesses.

8. In the third phase of the case, my efforts turned to opposing summary judgment and ultimately towards preparing for an initial mediation session with Anthony Piazza held in San Francisco. This third phase spanned from January 1, 2015 through February 10, 2016, during this which time period, I expended 432.1 hours. I spent this time preparing for, traveling to, and attending or taking the depositions of Peter Cappola, reviewing voluminous information and documents produced by the Defendant and third parties, working with our expert, Mr. Synder, to prepare and serve his report, as well as preparing for, traveling to, and defending Mr. Synder's deposition, preparing for, traveling to, and taking the deposition of Defendant's expert in San Francisco, reviewing Defendant's motion for summary judgment filed in August of 2015, and attending a mediation session before Mr. Piazza in San Francisco in September of 2015. After the mediation was unsuccessful, I turned to working with co-counsel to draft Plaintiffs' opposition to the motion for summary judgment, as well as an opposition to Defendant's motion to strike portions of Mr. Synder's report, and then prepared for and argued Plaintiffs' opposition to the motion for summary judgment at a hearing before the Court in January of 2016.

9. In the final phase of the case, I worked with co-counsel on discovery focused on class certification issues, then on preparing for and attending a second mediation, and then lastly on to settlement related tasks. In this final phase of the case, I expended 288 hours in the timeframe of February 11, 2016 to present. This time was spent first working with co-counsel to prepare and serve additional discovery on Defendant, and then later working with experts to evaluate the information and electronic data received from Defendant. I also prepared for and attended a two-

day mediation session with Rodney Max in Boston. While we were not able to resolve the case during these two days of mediation, which included Defendants' insurers, my co-counsel and I continued negotiations with Defendant thereafter. Ultimately, after several months of additional negotiations, aided by Mr. Max, we were able to reach an agreement in principal with Defendant's counsel. Once we had a settlement in principal, we spent significant time in negotiations over the details of settlement and on working with our experts analyzing the data and information provided by the Defendant so as to develop an appropriate methodology for identifying and providing notice to settlement class members. I also spent this time working with co-counsel to draft and file a motion for preliminary approval.

10. Altogether, through the date of this declaration, I have expended 851.4 hours of my time in the prosecution of this case. Throughout the timeframe I have worked on this case, my hourly rate has been and continues to be \$550.00 per hour. Thus, my total lodestar in the case is \$468,270.00.

11. My hourly rate reflects my regular rate that I charge for my time in non-contingent matters and which has been approved by multiple courts awarding attorneys' fees in other class or complex litigation, including but not limited to, the California Northern District Court *In re TracFone Unlimited Service Plan Litigation*, Case No. 13-cv-03440-EMC, the Florida Southern District in *Best v. Bluegreen Corporation*, Case No. 9:14-cv-80929 and *Regalado v. Greenspoon Marder, P.A.*, Case No. 0:16-cv-60025, and the Middle District of Florida in *Narvaez v. Law Offices of Antonio Duarte, III, P.A.*, Case No. 8:14-cv-01646. In general, my hourly rate is commensurate with hourly rates charged by attorneys with similar levels of experience who practice in the area of class action litigation.

12. This declaration does not include any time or expenses associated with me or my

co-counsel: (a) attending the Fairness Hearing on January 17, 2018; (b) answering any Class Members questions that may arise following entry of final judgment, or (c) completing any other legal tasks necessary to ensure that Class Members receive all of the benefits to be provided by the Parties' Settlement Agreement.

13. In addition to the time expended, the law firms under which I performed services as Co-Lead Class Counsel have incurred \$48,928.24 in expenses which were reasonably and necessarily committed to the prosecution of the litigation. These expenses include \$12,685.00 paid to experts, \$12,500.00 paid to mediators, \$17,030.66 in travel related expenses (including hotel, airfare and meals), and \$4,935.45 in court reporter fees. The remainder of these costs of \$1,777.13 include various miscellaneous charges for legal research (Westlaw and PACER charges), photocopying or printing charges, long distance telephone charges, and postage or overnight delivery charges.

14. The above expenses pertaining to this case are reflected in the books and records of each of these firms, which books and records are prepared from expense vouchers, check records, and other documents and are an accurate record of the expenses that have actually been incurred in the prosecution of this case.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st day of October, 2017 at Redington Beach, Florida.

/s/J. Andrew Meyer

J. Andrew Meyer, Esq.