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18 *Attorneys for Plaintiff,*
 19 Gregory Franklin

20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**

22 GREGORY FRANKLIN, individually
 23 and on behalf of all others similarly
 24 situated,

25 Plaintiff,

26 v.

27 OCWEN LOAN SERVICING, LLC,

28 Defendant.

Case No.: 3:18-cv-03333-SI

**DECLARATION OF JASON A. IBEY IN
 SUPPORT OF MOTION FOR FINAL
 APPROVAL OF CLASS ACTION
 SETTLEMENT**

Date: August 26, 2022

Time: 10:00 a.m.

Courtroom: 1, 17th Floor

Judge: Hon. Susan Illston

Complaint Filed: June 5, 2018

FAC Filed: August 17, 2018

DECLARATION OF JASON A. IBEY

I, Jason A. Ibey, declare:

1. I am one of the attorneys for the Plaintiff in this action, Gregory Franklin (the “Plaintiff”) against defendant Ocwen Loan Servicing, LLC (“Defendant”).
2. I am an attorney admitted to the State Bar of California on November 26, 2012, and have been a member in good standing since that time. I am also admitted to the State Bar of Utah and the Commonwealth of Massachusetts. Further, I am admitted in every federal district in California and have handled federal litigation in each of those districts.
3. I have personal knowledge of the following facts and, if called upon as a witness, could and would competently testify thereto, except as to those matters which are explicitly set forth as based upon my information and belief and, as to such matters, I am informed and believe that they are true and correct.
4. I am writing this declaration in support of the Plaintiff’s Motion for Final Approval of Class Action Settlement.
5. I am a partner at Kazerouni Law Group, APC, and have worked on this action since September 19, 2019, and I am one of the appointed class counsel in this matter. I have assisted with settlement administration in terms of frequent communication with the Settlement Administrator, and communication with defense counsel.
6. I was one of the attorneys who participated in the two (2) private mediation sessions before Hunter Hughes, Esq., of Hunter ADR on August 27, 2019, and September 7, 2021, respectively.
7. Before the settlement, the parties participated in large amounts of discovery and motion work. This included five sets of requests for production of documents and four sets of special interrogatories, Plaintiff’s deposition, seven separate depositions of Defendant’s personnel, two subpoenas, and confirmatory discovery following the Parties’ September 7, 2021, mediation session (i.e., Defendant’s confirmatory declaration as to the class size and the process used to identify Settlement Class Members).



1 8. Unable to reach a resolution during the second mediation, the parties subsequently engaged
2 in additional follow-up negotiations and independently accepted a mediator's proposal,
3 which resulted in an agreed-upon written settlement agreement.

4 9. Based on discovery materials, discussions with Defendant's counsel, and Administrator's
5 efforts in checking the Class List, it is my understanding that the class consists of
6 approximately 37,031 persons.

7 10. I continue to be unaware of any conflict of interest between Plaintiff and the Settlement
8 Class Members, or between Plaintiff and his counsel.

9 11. The Plaintiff proposes the National Consumer Law Center and New Media Rights as the
10 potential *cy pres* recipients of any uncashed or unclaimed settlement funds after making
11 subsequent distributions to the extent administratively feasible. I do not have any affiliation
12 with either of the proposed *cy pres* recipients, and it is my understanding that my co-counsel
13 do not have an affiliation with the proposed *cy pres* recipients as well.

14 12. Based on the number of valid claims reported by the Administrator as of approximately July
15 19, 2022, representing an approximate 9.50% claims rate (for valid claims), I believe the
16 estimated individual settlement class member recovery of approximately \$270 is fair and
17 reasonable here.

18 13. Further, based on my experience litigating consumer class action for close to ten years, I
19 believe the settlement merits Court approval. Taking into account the burdens, uncertainty
20 and risks inherent in class action litigation, and the time and expense of trial, the parties
21 have concluded that further prosecution and defense of this action could be protracted,
22 burdensome, and expensive, and that it is desirable, fair, and beneficial to the class that the
23 action now be fully and finally compromised, settled and terminated in the manner and upon
24 the terms and conditions set forth in the Agreement and the Addendum thereto. Thus, I
25 believe the settlement merits final Court approval.

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1 I declare under penalty of perjury that the foregoing is true and correct, executed on July
2 25, 2022, pursuant to the laws of the United States and the State of California at St. George, Utah.

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4 /s/ Jason A. Ibey
5 Jason A. Ibey
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