

NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16-CVS-5190

2024 MAR 26 P 4:31

IRIS POUNDS, CARLTON MILLER,
VILAYUAN SAYAPHET-TYLER, and
RHONDA HALL, on behalf of
themselves and all others similarly situated,

Plaintiffs

v.

PORTFOLIO RECOVERY ASSOCIATES,
LLC,

Defendant.

DURHAM CO., C.S.C.

BY

CB

**PLAINTIFFS' MOTION FOR ATTORNEYS' FEES
AND EXPENSES AND CLASS REPRESENTATIVE SERVICE AWARDS**

Plaintiffs respectfully move for an order (1) awarding attorneys' fees to Class Counsel in an amount equal to thirty percent of the \$5.75 million settlement fund, or \$1.725 million; (2) awarding expenses reasonably incurred in this case by Class Counsel in the amount of \$22,811.02; and (3) awarding a service award in the amount of \$10,000 for each of the four Class Representatives.

In support of the motion, Plaintiffs rely on the facts, arguments, and references set out in the accompanying brief and represent the following:

1. On January 4, 2024, the parties entered into a Class Action Settlement Agreement and Release ("Settlement Agreement") in which Portfolio Recovery Associates, LLC ("PRA") agreed to pay \$5.75 million into a settlement fund for distribution to the class, as well as to provide non-monetary relief.

2. The Court entered an Order on January 12, 2024, granting preliminary approval of the Settlement Agreement.

3. The parties filed an Amended Class Action Settlement Agreement (“Amended Agreement”) on March 1, 2024. None of the amendments addressed the parties’ agreement regarding attorneys’ fees and expenses, nor the class representative service awards. The Court issued a Revised Preliminary Approval Order on March 5, 2024. In its March 5, 2024 Order, the Court set a deadline of 21 days from the entry of the order for Plaintiffs to file the instant motion.

4. In paragraph 29 of the Settlement Agreement and the Amended Agreement, the parties agreed that each of the four Class Representatives, in recognition of their contributions to the results achieved on behalf of the class, “shall be entitled” to a service award of \$10,000, subject to the Court’s approval.

5. In paragraph 33 of the Settlement Agreement and the Amended Agreement, the parties agreed that Plaintiffs would file a motion seeking approval from the Court of Class Counsel’s attorneys’ fees and expenses, and Defendants would not oppose the motion provided the requested attorneys’ fees did not exceed thirty percent of the settlement fund.

6. The parties’ agreements regarding service awards and attorneys’ fees and expenses were not negotiated or agreed to until after the parties had reached agreement on the substantive terms of the Settlement, including the total amount of the settlement fund.

7. The reasonableness of the requested attorney fees is addressed in Plaintiffs’ brief and further supported by the Declarations of Carlene McNulty (Exhibit 1), Jason Pikler (Exhibit 2), J. Jerome Hartzell (Exhibit 3), Travis Collum (Exhibit 4), and Adrian Lapas (Exhibit 5), filed herewith, which attest to the work they performed and the basis for their hourly rates, which are

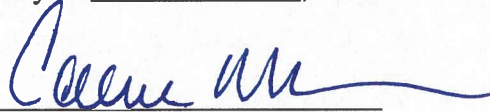
consistent with those charged by other attorneys of similar experience working on class actions and other complex litigation in North Carolina.

8. Filed herewith as Exhibit 6 is Class Counsel's lodestar calculation and expense summary, which shows the number of hours expended by the attorneys working on the case for the Plaintiffs, their years of experience, as well as the hourly rates requested by Plaintiffs for each of them. The lodestar calculation shows that the requested attorneys' fees award of \$1.725 million represents a deduction of \$189,913 to \$803,226 of Class Counsel's total lodestar on this case.

9. The Court has scheduled a Final Approval Hearing for June 12, 2024 to consider whether the Settlement Agreement is "fair, reasonable, and adequate" and merits final approval. If the Court enters an order granting final approval, Plaintiffs respectfully request that the Court also grant this motion and award the attorneys' fees, expenses, and class representative service awards agreed to by the parties in the Settlement Agreement.

WHEREFORE, Plaintiffs request that this Court approve the requested attorneys' fees and expenses and service awards.

Respectfully submitted, this the 26th day of March, 2024.



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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

Undersigned counsel for Plaintiffs hereby certifies that on this 26th day of March, 2024, a true and correct copy of the foregoing was served upon counsel of record for Defendant PRA by U.S. mail and electronic transmission as follows:

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Carlene McNulty

NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16-CVS-5190

IRIS POUNDS, CARLTON MILLER,
VILAYUAN SAYAPHET-TYLER, and
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themselves and all others similarly situated,

Plaintiffs

v.

PORTFOLIO RECOVERY ASSOCIATES,
LLC,

Defendant.

**AFFIDAVIT OF CARLENE McNULTY IN SUPPORT OF PLAINTIFF'S UNOPPOSED
MOTION FOR ATTORNEYS' FEES AND EXPENSES AND CLASS
REPRESENTATIVE SERVICE AWARDS**

I, CARLENE McNULTY, do hereby swear and affirm as follows:

1. I am co-counsel for Iris Pounds, Carlton Miller, Rhonda Hall, and Vilayvan Sayaphet-Tyler and was appointed by the Court as Class Counsel, along with my colleague Jason Pikler from the North Carolina Justice Center, Jerry Hartzell, Travis Collum, and Adrian Lapas. I am also co-counsel for plaintiffs in the related cases *Townes v. Portfolio Recovery Associates, LLC* (Mecklenburg County, 18-CVS-18069) and *Spector v. Portfolio Recovery Associates, LLC* (Mecklenburg County, 18-CVS-18068). I am familiar with the facts set forth below, and I submit this declaration in support of Plaintiffs' Unopposed Motion for Award of Attorneys' Fees and Expenses and Service Awards for Class Representatives.

2. I graduated from the University of North Carolina at Chapel Hill in 1980, and the University of North Carolina Law School in 1984. I was admitted to the State Bar of North Carolina in 1984. I am admitted to practice before the United States District Courts for the Eastern, Middle, and Western Districts of North Carolina and the United States Court of Appeals for the Fourth Circuit.

3. Since 1984 I have devoted my practice entirely to representing indigent persons and working on cases that affect low-income people in North Carolina. I worked as a staff attorney and then as managing attorney at North State Legal Services in Hillsborough, NC from 1984 to 1996, before joining the Justice Center staff in February 1996 as litigation director. I have also served as Adjunct Clinical Associate Professor of Law at the Civil University of North Carolina Law School in 2000-2003, 2010-2011, and served as the director of the Consumer Financial Transactions Clinic at UNC from June 2015 to August 2016.

4. I have represented numerous North Carolina individuals in cases involving consumer, education, employment, and public benefits issues in both state and federal courts. My advocacy experience includes arguing appeals before the North Carolina Court of Appeals, the North Carolina Supreme Court, and the Fourth Circuit Court of Appeals. I received the Julian Pierce Award for my accomplishments as a Legal Services attorney in 1993, was presented with an award from the North Carolina Bar Association as the "Outstanding Legal Services Attorney" in 1994, received a Public Justice Achievement Award and the Vern Countryman Consumer Law Award by the National Consumer Law Center in 2011. I was recently awarded the Deborah Greenblatt Outstanding Legal Services Attorney Award in 2023.

5. I have been invited to speak at numerous continuing legal education seminars for attorneys on various issues of poverty law or complex litigation. I have written articles for and conducted seminars on behalf of the North Carolina Bar Association, the UNC Law School, North Carolina Academy of Trial Lawyers, and Legal Aid of North Carolina.

6. I have been lead or co-lead counsel in several major class action lawsuits in both state and federal courts, involving a broad range of issues, including consumer law. Examples of these cases include:

- a. *Rodriguez v. Riverstone Communities, LLC*, No. 5:21-CV-486-CD (E.D.N.C): Served as co-counsel in class action brought to challenge practices of a mobile home park owner in Wake County using rent-to-own contracts. The settlement, approved in 2024, provides for payment of \$1 million as well as significant non-monetary benefits to class members.
- b. *Portfolio Recovery Associates, LLC v. Houston*, Iredell County Superior Court Case No. 12-CVS-642: Served as lead counsel in class action brought as a counterclaim, resulting in \$4 million class action settlement and the dismissal of approximately one thousand pending debt-collection cases.
- c. *Antrican v. Odum*, 290 F.3d 178 (4th Cir. 2002), *cert. den'd*, 537 U.S. 973 (2002): Served as co-counsel in this class action lawsuit filed against the state Medicaid program, challenging payment structure to dentists. The case was ultimately settled, resulting in improved access to dental care for the state's 600,000 Medicaid-eligible children.
- d. *Tomlin v. Dylan Mortgage*, New Hanover File no. 99-CVS-3551, North Carolina Business Court: Served as co-counsel in this class action litigated in the North

Carolina Business Court, challenging predatory lending practices of mortgage broker and lenders. Successfully settled, with average cash payment in excess of \$5,100 to 1400 class members.

- e. *Kucan v. Advance America, McQuillan v. Check 'N Go, Hager v. Check Into Cash*, 190 N.C. App. 396, 660 S.E.2d 98 (2008); New Hanover County File nos. 04-CVS-2860; 04-CVS-2858 and 04-CVS 2859: Along with my co-counsel in this case, J. Jerome Hartzell, I served as co-counsel in three class action cases filed against payday lenders, challenging the companies' attempts to evade North Carolina's consumer protection laws using a "rent-a-charter" partnership with an out-of-state bank. Each of the cases was settled, for a total of \$44.75 million. Each case has over 100,000 class members.
- f. *Hyatt v. Barnhardt* (Western District of North Carolina, C-C-83-655): Serve as class counsel since 1996 to monitor implementation of settlement agreement reached with the Social Security Administration (SSA) in this class action challenging systemic violations of social security law. There are more than 78,000 class members who were entitled to relief under this settlement, which includes a right to have their disability determination reviewed. Our monitoring discovered violations of the settlement agreement, and we successfully litigated two district court motions to correct SSA's illegal class membership denial practices. This resulted in the district court's October 21, 1999 Order providing class-wide relief and a subsequent agreement by SSA to provide class membership to 49,000 persons.

ATTORNEYS' FEES

7. I have spent a total of 1,045.4 hours working on this case, which includes 239.6 hours spent on the closely related *Townes* and *Spector* matters, as explained in paragraph 8, and 117.6 hours spent on various “vacatur” cases as explained in paragraph 9. My work included investigation and research of the potential claims; researching and reviewing numerous court files throughout the state involving cases brought by defendant, drafting and editing pleadings, motions and briefs, compiling exhibits; conducting legal research, analyzing defendant’s documents and information, drafting discovery requests and responses, preparing for and participating in mediation; interviewing and communicating with the class representatives, appearing at hearings, developing and coordinating strategy, and all other aspects of litigating this and the related cases.

8. The *Townes* and *Spector* cases were closely related to *Pounds* and were brought as individual cases to resolve legal issues presented by *Pounds*. The *Townes* and *Spector* matters were filed while *Pounds* was delayed by PRA, first by removing the case to federal court and seeking appellate review of the federal court’s remand to state court, and then by moving to compel arbitration. *Townes* and *Spector* both sought to obtain precedential legal rulings as to the same issues involved in *Pounds*—whether PRA’s practices in obtaining default judgments violated North Carolina law—rulings that had been successfully delayed by PRA in *Pounds*. As such, I regarded *Townes* and *Spector* as integral to the *Pounds* case, and I have accounted for time in *Townes* and *Spector* as time spent in *Pounds*.

9. I also litigated numerous individual “vacatur” cases in Chatham, Wake and Mecklenburg Counties between August 2015 and December 15, 2015, pursuing successful motions to vacate default judgments in cases brought by Portfolio Recovery Associates, LLC, based on the same legal theories that were argued in the instant case. The complaint and case

strategy used in the *Pounds* case relies in part on the rulings obtained by the individual cases. I regarded the vacatur cases as integral to the *Pounds* case and have accounted for time spent on those cases as time spent in *Pounds*.

10. For my work on the case between 2015 to 2021, a reasonable hourly rate for my work is \$390, which was the hourly rate approved by Judge Richard Doughton in the Houston class action for my work from 2014 to the settlement of the action in 2018. *See Portfolio Recovery Associates, LLC v. Houston*, No. 12-CVS-642, 2018 WL 9439665, at *8 (N.C. Super. July 26, 2018) (finding that the billing rates of class counsel “are consistent with, if not lower than, market rates recognized by North Carolina judges for similarly complex litigation”); *see also Nakatsukasa v. Furiex Pharms. Inc.*, 2015 WL 4069818, *8 (N.C. Super. Ct. July 1, 2015) (finding that rates of approximately \$300 to \$550 were “typical” for sophisticated litigation in Wake County).

11. Starting in 2022, the North Carolina Justice Center raised my hourly rate to \$700. Judge James C. Dever III approved the reasonableness of this hourly rate in *Rodriguez et al. v. Riverstone Communities, LLC* for my work on the case from 2021 to the settlement of the action in 2023. *See Rodriguez v. Riverstone Communities, LLC*, No. 5:21-CV-486-CD, 2024 WL 407483, at *2 (E.D.N.C. Feb. 2, 2024) (finding “the hourly rates requested by Plaintiffs are reasonable and consistent with rates charged by other attorneys and paralegals of similar experience working on complex litigation in the Eastern District of North Carolina”).

12. The legal services I provided and the time expended to perform those services were reasonable and necessary to the litigation of this matter.

13. At the outset of the litigation, the Justice Center entered into retainer agreements with each of the plaintiffs that allowed for a 33 1/3 percent contingency fee and the reimbursement

of expenses. Class counsel is instead seeking a fee of 30 percent of the settlement fund, along with the reimbursement of their reasonable expenses.

14. The North Carolina Justice Center's time records show a total of 4,158.3 hours of attorney time. This includes my hours (1,045.4), discussed above, a total of 2,555 hours worked by Jason Pikler, Senior Attorney, who has submitted his own affidavit regarding his work on the case; and 317.9 hours worked by attorney Emily Turner, who worked on the case from 2016 until mid-2021. Ms. Turner joined the N.C. Justice Center as the Leslie J. Winner Public Interest & Civil Rights Fellow. Prior to her fellowship, she clerked for the Hon. Srikanth Srinivasan on the U.S. Court of Appeals for the D.C. Circuit. In 2015, she graduated summa cum laude and Order of the Coif from the University of Pennsylvania School of Law, where she was a Toll Public Interest Scholar and a Senior Editor on the University of Pennsylvania Law Review. Ms. Turner left the Justice Center in 2021 to become an Assistant Professor of Public Law and Government at the UNC School of Government. Ms. Turner's work on the case included extensive legal research and briefing for Plaintiffs' motion to remand and the subsequent appellate proceedings in the U.S. Court of Appeals for the Fourth Circuit and U.S. Supreme Court, as well as for Plaintiffs' opposition to the motion to compel arbitration and subsequent appellate proceedings in the North Carolina Court of Appeals and Supreme Court. The Justice Center has contemporary time records for only a small fraction of the overall hours she put into this case. The time expended by Ms. Turner was reasonable and critical to the litigation of this matter. In the Houston class action, Judge Doughton found that a reasonable hourly rate for Ms. Turner is \$250.

REIMBURSEMENT OF EXPENSES

15. The North Carolina Justice Center also incurred expenses of \$18,361.93 in litigating this matter. A summary of those expenses is as follows:

<u>Category</u>	<u>Amount of Expense</u>
Filing fees	\$220.00
Costs for two U.S. Supreme Court filings (Becker & Gallagher)	\$1,555.39
Costs for scanning court files at courthouses	\$613.90
Payment to consultant for analysis of court files	\$1,225.00
PACER	\$63.70
Courier/Postage	\$349.90
Travel/Mileage	\$96.75
Mediator Fee for Mediation (James Cooley)	\$12,540.00
Expert/Statistical Consultant	\$1,200.00
Supplies	\$242.29
Supreme Court Fees	\$255.00
TOTAL	\$18,361.93

16. These expenses were reasonable and necessarily incurred on behalf of the class. The expenses pertaining to this case are reflected on the books and records of the organization and prepared from expense vouchers, check records, or other documents and are an accurate record of the expenses.

CLASS REPRESENTATIVE SERVICE AWARDS

17. Iris Pounds, Carlton Miller, Rhonda Hall, and Vilayvan Sayaphet-Tyler were exemplary Class Representatives.

18. All four named Plaintiffs provided key information that informed the drafting of the complaint and remained engaged in the prosecution of the litigation throughout its seven-year

duration. All four named Plaintiffs provided personal information and documents in response to Defendants' requests for written discovery. And the four named Plaintiffs remained engaged in the settlement negotiations that followed the parties' in-person mediation efforts. Without Ms. Pounds, Dr. Miller, Ms. Hall, and Ms. Sayaphet-Tyler's willingness to participate in the litigation and to stay the course throughout the ups and downs of the case, we would not have been able to bring this class action or achieve the many benefits for the class. They all fully earned the service award of \$10,000 that we are seeking for them in this case.

Carlene McNulty

Carlene McNulty
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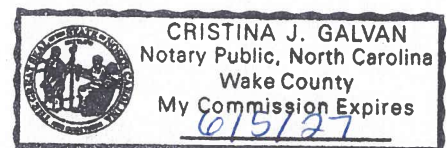
STATE OF NORTH CAROLINA
WAKE COUNTY

Before me, a Notary Public in and for said County and State, personally appeared the above-named CARLENE McNULTY, who acknowledged that she signed the foregoing Affidavit, and that the facts stated therein are true as she verily believes.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 22 day of march, 2024, at Raleigh, North Carolina.

Cristina J. Galvan Notary Public

My Commission Expires: 06/05/27



NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16-CVS-5190

IRIS POUNDS, CARLTON MILLER,)
VILAYUAN SAYAPHET-TYLER, and)
RHONDA HALL, on behalf of)
themselves and all others similarly situated,)

Plaintiffs)

v.)

PORTFOLIO RECOVERY ASSOCIATES,)
LLC,)

Defendant.)
_____)

**AFFIDAVIT OF JASON A. PIKLER IN SUPPORT OF PLAINTIFF'S UNOPPOSED
MOTION FOR ATTORNEYS' FEES AND EXPENSES AND CLASS
REPRESENTATIVE SERVICE AWARDS**

I, JASON A. PIKLER, do hereby swear and affirm as follows:

1. I am co-counsel for Iris Pounds, Carlton Miller, Rhonda Hall, and Vilayvan Sayaphet-Tyler and was appointed by the Court as Class Counsel, along with Carlene McNulty from the North Carolina Justice Center, Jerry Hartzell, Travis Collum, and Adrian Lapas. I am also co-counsel for plaintiffs in the related cases *Townes v. Portfolio Recovery Associates, LLC* (Mecklenburg County, 18-CVS-18069) and *Spector v. Portfolio Recovery Associates, LLC* (Mecklenburg County, 18-CVS-18068). I am familiar with the facts set forth below, and I submit this declaration in support of Plaintiffs' Unopposed Motion for Award of Attorneys' Fees and Expenses and Service Awards for Class Representatives.

2. I am a Senior Staff Attorney at the North Carolina Justice Center. The North Carolina Justice Center is a non-profit organization whose mission is to ensure that every

household in the state has access to the resources, services, and treatment it needs in order to enjoy economic security.

3. I received my law degree from the University of Texas in 2006. During law school, I was an editor of the Texas Law Review, Order of the Coif, and a Chancellors' scholar, the law school's most prestigious honor society.

4. I began my legal practice at the law firm of Morrison & Forester in San Francisco, working on a diverse range of civil litigation cases. In 2010, I joined the law firm of Schubert, Jonckheer & Kolbe, also in San Francisco, representing plaintiffs in consumer class actions in both state and federal courts. After relocating to North Carolina and becoming licensed to practice law in the state, I joined the North Carolina Justice Center in July 2014 as a staff attorney for the Consumer Protection and Housing project.

5. I am an active member of the North Carolina state bar and an inactive member of the California bar, and I am admitted to practice in the Supreme Court of the United States, the United States Court of Appeals for the Fourth Circuit, and the U.S. District Courts for the Eastern and Middle Districts of North Carolina, and the Northern District of California.

6. In addition to working on class actions to protect North Carolina consumers, I represent low-income North Carolinians in cases involving mortgage servicing abuses and foreclosure-related scams. As part of my consumer protection work, I have been invited to give continuing legal education presentations on issues relating to debt buyers and unfair debt collection practices as well as predatory for-profit schools and student-loan debt, particularly as they impact servicemembers and veterans.

7. In addition to this action, I have worked on several complex consumer class actions that have achieved meaningful relief for class members, including:

- a. *Rodriguez et al. v. Riverstone Communities, LLC*, U.S. District Court for the Eastern District of North Carolina, Civil Action No. 5:21-CV-486-D (class action settlement on behalf of mobile home park residents; settlement received final approval in February 2024, providing common fund of \$1.02 million for 199 class members in addition to substantial non-monetary relief).
- b. *Portfolio Recovery Associates, LLC v. Houston*, Iredell County Superior Court Case No. 12-CVS-642 (class action brought as a counterclaim on behalf of more than 25,000 persons, alleging violations of North Carolina debt-buyer statutes; settlement received final approval in 2018, resulting in \$4 million class action settlement and the dismissal of approximately one thousand pending debt-collection cases).
- c. *In re Apple and AT&T iPad Unlimited Data Plan Litigation*, U.S. District Court for the Northern District of California, Case No. 10-cv-02553-RMW (class action resulting in settlement that received final approval).
- d. *In re Google AdWords Litigation*, U.S. District Court for the Northern District of California, Case No. 08-cv-03369 (class action resulting in \$22,500,000 class action settlement that received final approval).

ATTORNEYS' FEES

8. I have spent a total of 2,555 hours working on this case, which includes 1150.6 hours spent on the closely related *Townes* and *Spector* matters, as explained in paragraph 9. My work included investigation of the potential claims; testing those claims by bringing motions to vacate default judgments obtained by Portfolio Recovery Associates, LLC ("PRA") in the counties of Chatham, Wake, and Mecklenburg; drafting the complaint, motions for preliminary

injunction and class certification, and the supporting briefs and exhibits; legal research and briefing on Plaintiffs' motion to remand; legal research, oral argument, and briefing for Plaintiffs' opposition to Defendant's motion to compel arbitration; legal research and briefing for Plaintiffs' opposition to Defendants' petition for writ of certiorari to the U.S. Supreme Court regarding the motion to compel arbitration; reviewing and analyzing defendant's documents and information, preparing for and participating in the parties' in-person mediation; engaging in post-mediation negotiation sessions with opposing counsel; drafting the settlement agreement and related documents; and working with the Class Representatives and co-counsel over the course of seven years on case strategy. I determined the hours I spent on this matter by a review of the computerized time records I kept contemporaneously as the work was performed.

9. In the *Townes* and *Spector* matters, my work included briefing and arguing plaintiffs' motions for summary judgment and handling all aspects of the appeal of the summary judgment ruling in *Townes* to the North Carolina Court of Appeals and the Supreme Court of North Carolina. The *Townes* and *Spector* cases were closely related to *Pounds* and were brought as individual cases to resolve legal issues presented by *Pounds*. The *Townes* and *Spector* matters were filed while *Pounds* was delayed by PRA, first by removing the case to federal court and seeking appellate review of the federal court's remand to state court, and then by moving to compel arbitration. *Townes* and *Spector* both sought to obtain precedential legal rulings as to the same issues involved in *Pounds*—whether PRA's practices in obtaining default judgments violated North Carolina law—rulings that had been successfully delayed by PRA in *Pounds*. As such, I regarded *Townes* and *Spector* as part of the *Pounds* case, and I have accounted for time in *Townes* and *Spector* as time spent in *Pounds*.

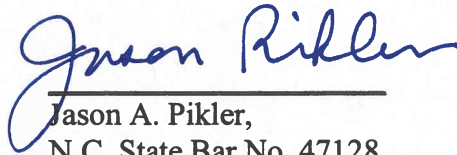
10. For my work on the case between 2015 to 2021, a reasonable hourly rate for my work on the case is \$300, which was the hourly rate approved by Judge Richard Doughton in the *Houston* class action for my work from 2014 to the settlement of the action in 2018. *See Portfolio Recovery Associates, LLC v. Houston*, No. 12-CVS-642, 2018 WL 9439665, at *8 (N.C. Super. July 26, 2018) (finding that the billing rates of class counsel “are consistent with, if not lower than, market rates recognized by North Carolina judges for similarly complex litigation”); *see also Nakatsukasa v. Furiex Pharms. Inc.*, 2015 WL 4069818, *8 (N.C. Super. Ct. July 1, 2015) (finding that rates of approximately \$300 to \$550 were “typical” for sophisticated litigation in Wake County).

11. Starting in 2022, the North Carolina Justice Center raised my hourly rate to \$550. Judge James C. Dever III approved the reasonableness of this hourly rate in *Rodriguez et al. v. Riverstone Communities, LLC*, U.S. District Court for the Eastern District of North Carolina, Civil Action No. 5:21-CV-486-D, for my work on the case from 2021 to the settlement of the action in 2023. *See Rodriguez v. Riverstone Communities, LLC*, No. 5:21-CV-486-CD, 2024 WL 407483, at *2 (E.D.N.C. Feb. 2, 2024) (finding “the hourly rates requested by Plaintiffs are reasonable and consistent with rates charged by other attorneys and paralegals of similar experience working on complex litigation in the Eastern District of North Carolina”).

12. The legal services I provided and the time expended to perform those services were reasonable and necessary to the litigation of this matter.

13. At the outset of the litigation, the Justice Center entered into retainer agreements with each of the plaintiffs that allowed for a 33 1/3 percent contingency fee and the reimbursement of expenses. Class counsel is instead seeking a fee of 30 percent of the settlement fund, along with the reimbursement of their reasonable expenses.

FURTHER AFFIANT SAYATH NAUGHT.



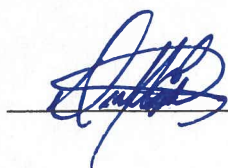
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STATE OF NORTH CAROLINA

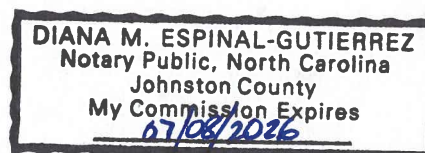
WAKE COUNTY

Before me, a Notary Public in and for said County and State, personally appeared the above-named JASON A. PIKLER, who acknowledged that he signed the foregoing Affidavit, and that the facts stated therein are true as he verily believes.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 20th day of March, 2024, at Raleigh, North Carolina.

 Notary Public

My Commission Expires: 07/08/2026



NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
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IRIS POUNDS, CARLTON MILLER,
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**AFFIDAVIT OF J. JEROME HARTZELL IN SUPPORT OF PLAINTIFF'S
UNOPPOSED MOTION FOR ATTORNEYS' FEES AND EXPENSES AND CLASS
REPRESENTATIVE SERVICE AWARDS**

I, J. JEROME HARTZELL, do hereby swear and affirm as follows:

1. I am a member of the North Carolina State Bar, am licensed to practice law in North Carolina, and have been continuously so licensed since August of 1977. I obtained my law degree from the University of North Carolina School of Law in 1977 and have been engaged in private practice in North Carolina since 1978.

2. I am one of the attorneys representing the plaintiffs in *Pounds v. Portfolio Recovery Associates* and, along with my co-counsel, I have been designated by the Court as Class Counsel. I am also co-counsel in the related cases *Townes v. Portfolio Recovery Associates* and *Spector v. Portfolio Recovery Associates*.

PLAINTIFF'S
EXHIBIT

3

3. I have expended 2,032.3 hours of recorded time in *Pounds*, supported by individualized time entries. For the reasons set out in paragraph 4, this includes 204.7 hours expended in *Townes* and *Spector*. The legal services I provided and the time expended to perform those services were reasonable and necessary to the *Pounds* litigation. I also spent substantial additional time that I did not record.

4. *Pounds*, a putative class action filed November 21, 2016, concerns PRA's North Carolina default judgment practices. PRA's North Carolina default judgment practices were also challenged in *Townes* and *Spector*, individual cases which sought to obtain legal rulings concerning the legitimacy of PRA's North Carolina default judgment practices. *Townes* and *Spector* were closely related to *Pounds* and were brought as individual cases to resolve legal issues presented by *Pounds*. Resolution of these issues in *Pounds* itself had been delayed by PRA's removal of *Pounds* to federal court and proceedings associated with remand, then by PRA's motion to compel arbitration and its appeal of the denial of that motion. Further delay was assured because North Carolina law (N.C. Gen. Stat. sec. 7A-27(a)(4)) permits interlocutory appeal to the North Carolina Supreme Court of "[a]ny trial court's decision regarding class certification." *Townes* and *Spector* did not present class issues that could be expected to delay resolution of *Pounds*. Moreover, *Townes* did not present any arbitration issue, and *Spector* afforded the opportunity to obtain a ruling denying arbitration on additional grounds beyond those that underlay this Court's *Pounds* arbitration ruling. For these reasons, I regarded *Townes* and *Spector* as part of the *Pounds* case, and accounted for time in *Townes* and *Spector* as time spent in *Pounds*.

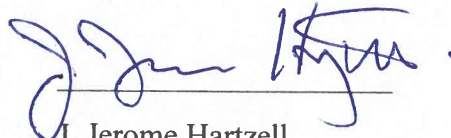
5. My total hours in *Pounds* also include 338.8 hours of recorded time between August 11, 2015 and December 15, 2015, performing research and analysis that culminated in successful motions to vacate PRA default judgments in one case in Chatham County, one case in Wake

County, and five cases in Mecklenburg County, and related matters, based on legal theories that were later presented in *Pounds*. The results of these vacatur cases were addressed in the *Pounds* complaint at paragraphs 37-39, and were referred to in *Pounds* motions and briefs.

6. I have received no compensation from any source for my work in *Pounds*, *Townes*, *Spector* or the vacatur cases, and will receive no compensation other than what is sought via the pending motion in this case.

7. I have not billed time on an hourly rate basis in a number of years. My most recent hourly rate billings, undertaken roughly 15 years ago, were billed at the rate of \$350 per hour. Because I share the same general level of expertise and years of experience as my co-counsel, Carlene McNulty, I will be adopting the same hourly rates as Ms. McNulty—\$390 for hours expended from 2015 to 2021 and \$700 for hours expended from 2022 to 2024—which have been approved by both state and federal courts as discussed in Ms. McNulty's affidavit.

FURTHER AFFIANT SAYETH NAUGHT



J. Jerome Hartzell
N.C. State Bar No. 7775
232 E. Park Drive
Raleigh, NC 27605
Phone: 919/819-6173
jerry.hartzell@gmail.com

STATE OF NORTH CAROLINA
WAKE COUNTY

Before me, a Notary Public in and for said County and State, personally appeared the
above-named J. JEROME HARTZELL, who acknowledged that he signed the foregoing
Affidavit, and that the facts stated therein are true as he verily believes.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal
this 21 day of March, 2024, at Raleigh, North Carolina.

Sara Moretti Notary Public
Sara Moretti

My Commission Expires: June 18, 2028



STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF
JUSTICE
SUPERIOR COURT DIVISION
CASE NO.: 16-CVS-5190

IRIS POUNDS, CARLTON MILLER,
VILAYUAN
SAYAPHET-TYLER, and RHONDA
HALL, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

PORTFOLIO RECOVERY
ASSOCIATES, LLC,

Defendant.

AFFIDAVIT OF
TRAVIS E. COLLUM

NORTH CAROLINA
IREDELL COUNTY

I, TRAVIS E. COLLUM, do hereby swear and affirm as follows:

1. I am one of the attorneys for the plaintiffs and class members in this case. I am a partner in a three-lawyer firm Collum & Perry, PLLC in Mooresville, North Carolina.

2. I have personal knowledge of the facts described herein.

3. I am a graduate of the Norman Adrian Wiggins School of Law at Campbell University and have practiced continuously in North Carolina since my admission to the bar in 2000.

PLAINTIFF'S
EXHIBIT

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4. I am in good standing with the North Carolina state bar and am not the subject of any disciplinary proceedings. I am also admitted to practice before the United States District Courts for the Western, Middle and Eastern Districts of North Carolina.

5. I am member of the National Association of Consumer Advocates.

6. I am a member of the North Carolina Advocates for Justice.

7. I am in private practice in Mooresville, North Carolina and the majority of my practice is the representation of plaintiffs in consumer protection matters, focusing on cases that arise under the Fair Debt Collections Practices Act, the Fair Credit Reporting Act, the Telephone Consumer Protection Act, Real Estate Settlement Procedures Act and North Carolina's fair debt collection and mortgage servicing laws. I also defend consumers in debt collection lawsuits.

8. Prior to beginning my consumer practice in 2010 I had a civil trial practice representing injured people across North Carolina, before the North Carolina Industrial Commission and before the Social Security Administration. I continue to practice this civil trial work.

9. I have represented consumers in the following cases that involved claims under the FDCPA and/or North Carolina's fair debt collection laws:
Andrew Barringer v. Phillip Scott Lowry, et al 3:10-CV-00435 WD NC;
Kandis Malone v. Wells Fargo Auto Finance 10 CVS 25786 Mecklenburg

County Superior Court; *Betty Jenkins v. Wells Fargo Auto Financial* 3:11-CV-00051-RJC-DLH WDNC; *Mayryam Al-Hammami v. Enterprise Recovery and Darius Davis* 5:10-CV-00089-RLV-DCK WDNC; *Brandy Starr v. Security Finance Corp of Lincolnton* 11 CVS 1384 Iredell County Superior Court; *Doreen D'Angelantonio v. NCO Financial* 5:11-CV-00015 WDNC; *Johnny Bromme v. Citifinancial* 5:11-CV-00054 WDNC; *Lowry Drug Company v. Daryll Garcia* 11 CVD 2516 Iredell County District Court; *Jean Teal v. NCO Financial Systems* 5:11-CV-14 WDNC; *Haley Duncan v. Rentdebt Automated Collections, LLC* 5:12-CV-00065 WDNC; *Robert Husted and Tracy Husted v. Chase Bank USA* 5:12-CV-1 WDNC; *James Morton v. Mercantile Adjustment Bureau* 5:12-CV-00015 WDNC; *Chase Bank USA v. Scott Krech* 10 CVD 22028 Mecklenburg County District Court; *Gemini Capital Group v. Steven Lackey* 12 CVD 1037 Iredell County District Court; *Sabrena Fernandez v. Citizens Automobile Finance et al* 11 CVD 3660 Iredell County District Court; *Wayne Smith v. Mooresville Hospital Management Assoc* 11 CVD 854 Iredell County District Court; *Gemini Captial Group v. Adam Alsop* 12 CVD 1807 Cabarrus County District Court; *Virginia Burton v. World Omni Financial Corp* 11 CVD 1383 Iredell County District Court; *Dorothy Birmingham v. ADS, World Financial Bank and Blair* 10-CVS-3082 Iredell County Superior Court; *Timothy Clements v. NCO Financial Systems* 5:12-CV-00012- WDNC; *Timothy Clements v. US Bank National Association* 12 CVS 3341 Catawba

County Superior Court; *LPM III, Inc. v. Travis Lorch and Angela Lorch* 12 CVD 00011 Iredell County District Court; *Larry Ammons v. Mooresville Hospital Management Association* 13 CVS 970 Iredell County Superior Court; *William Byron Caldwell v. Sessoms & Rogers, et al* 5:10-CV-00158 WDNC; *FIA Card Services v. William Byron Caldwell* 11 CVD 235 Iredell County District Court; *Arthur Piervincenti v. Nassau Educators Federal Credit Union* 12 CVS 1417 Iredell County Superior Court; *Arthur Piervincenti v. Allied Interstate* 5:14-CV-00059 WDNC; *Patrick Doiel v. Bank of America* AP 13-05034 WDNC BK Court; *FIA Card Services v. James Miller* 12 CVD 2505 Iredell County District Court; *Ruth Holt v. General Motors Financial Company* 5:13-CV-00136-RLV-DSC WDNC; *Matthew Lacey and Melissa Lacey v. EMC Mortgage, et al* 5:10-CV-00173 WDNC; *Capital One Bank v. Dorie Macrander* 13 CVD 6968 Mecklenburg County Superior Court; *Judy Reed and Troy Reed v. Bank of America and Countrywide Home Loan* 13 CVS 552 Iredell County Superior Court; *Spencer and Suzanne Bloomer v. Bank of America, N.A.* 15 CVS 487 Iredell County Superior Court; *Jacqueline Bartolac v. Bank of America, N.A* 13 CVS 2075 Iredell County Superior Court; *LVNV Funding v. Tony Barker and Carly Barker* 08-CVD-2837 Iredell County District Court; *Merle Overholser v. Chase Home Finance* 1:14-CV-200 WDNC; *William Young v. Charlotte Mecklenburg Hospital Authority* 15 CVS 369 Iredell County Superior Court; *William Young v. Mediacredit* 5:14-CV-157

WDNC; *Pamela Shoaf v. Navient Solutions, Inc. and Sallie Mae, Inc.* 1:15-CV-00223 MDNC; *Kim Singh v. Allied Interstate* 3:15-CV-00460 WDNC; *Janice Walker v. One Main Financial and One Main Financial Services* 5:14-CV-192 WDNC; *Joyce Thompson v. Capital One Bank and Capital One Services* 15 CVS 1242 Cabarrus County Superior Court; *Ashley Smith v. American Express et al* 3:15-CV-535 WDNC; *Portfolio Recovery v. Greg Flugel* 12 CVD 851 Iredell County District Court; *BB& T v. Ronald Dayton* 10-CVD-878 Iredell County District Court; *BB&T v. Ronald Dayton* 10-CVD-1054 Iredell County District Court; *Matthew and Melissa Lacey v. Select Portfolio et al* 3:15-CV-00544 WDNC; *Kim Singh v. Credit One Financial and Credit One Bank, N.A.* 3:15-CV-00482 WDNC; *Kim Singh v. GC Services Limited Partnership* 3:16-CV-0062 WDNC; *Mae Medley v. Ditech Financial, LLC f/k/a Green Tree Servicing, LLC* 16 CVS 045 Anson County Superior Court; *John Williams v. Waterfall Asset, Statebridge, Experian and Equifax* 5:16-CV-00163 WDNC; *Ben and Edna Clark v. Citifinancial, LLC* 3:16-CV-140 WDNC; *Bradley Hughes v. Calvary Portfolio Services, LLC* 7:16-CV-00357-EDNC; *Melanie Worley v. National Finance Company* 14 CVD 711 Rowan County District Court; *William Gordon Pettit v. Ditech Financial* 18 CVS 171 Iredell County Superior Court; *Dorothy Fields v. Equifax, et al* 3:17-CV-302-WDNC; *William Bowers and Tracy Bowers v. Citibank and AllianceOne* 3:17-CV-00462 WDNC; *Portfolio Recovery v. Lydia Hughes* 12 CVD 2196 Rowan

County District Court; *Ashley Lannon v. Commercial Recovery Systems* 1:11-CV-945 MDNC; *Portfolio Recovery v. Bertha Lowry* 12 CVD 6441

Mecklenburg County District Court; *Katee McClain v. Dominion Law* 14 CVD 265 Iredell County District Court; *Portfolio Recovery v. Marcus Obugene* 12 CVD 696 Iredell County District Court; *National Collegiate Student Loan Trust v. Stevi Wall and Effie Owens* 15 CVS 890 Randolph County Superior Court; *National Collegiate Student Loan Trust v. Stevi Wall and Effie Owens* 15 CVS 1321 Randolph County Superior Court; *Staton v. Financial Recovery Services, Inc.* 1:21 CV 702 MDNC; *Champion v. IC System, Inc.* 22 CVS 1340 Cabarrus County Superior Court; *Champion v. Medical Data Systems, Inc.* 3:20 CV 652 WDNC; *Jones v. First Citizens Bank & Trust Company, et al* 3:20 CV 445 WDNC; *Polanco v. HSBC Bank USA National Association, et al* 3:17 CV 466 WDNC; *Sabree v. Pennymac Financial Services Inc., et al* 3:20CV709 WDNC; *Houck v. Substitute Trustee Services, Inc.* AP 15-05028 WDNC; *Crouse v. Bank of America, NA and Seterus Inc.* 5:18 CV 59 WDNC; *Houston v. Portfolio Recovery Associates, LLC* 12 CVS 642 Class Action from Iredell County Superior Court; *Barber v. Ocwen Loan Servicing, LLC* 1:18 CV 243 WDNC; *Suggs v. Streetwide Asset Recovery Group, Inc.* 19 CVS 3167 Iredell County Superior Court; *Singh v. Santander Consumer USA, Inc.* 1:22 CV 79 WDNC; *Schrickel v. Ally Financial Inc., et al* 5:20 CV 142 WDNC; *Pettit v. Bank of America, NA* 5:20 CV 62 WDNC.

10. I have obtained significant settlements and verdicts in cases involving claims under the FDCPA, FCRA, TCPA and/or North Carolina's fair debt collection laws.

11. I regularly attend the conferences of the National Association of Consumer Advocates, the National Consumer Law Center, the North Carolina Bar Association and the North Carolina Advocates for Justice.

12. The North Carolina Advocates for Justice has engaged me present a CLE to fellow attorneys regarding the use of North Carolina Debt Collection statutes to defend collection lawsuits;

13. I am one of the few attorneys in North Carolina whose law practice is limited to consumer protection issues involving debt, financial services litigation, mortgage servicing and credit reporting.

14. My current fee rate is \$350.00/hour which I believe to be reasonable given the nature and novelty of this area of practice and my litigation experience.

15. Based upon my contemporaneously kept time records I have expended a total of 139.2 hours in this matter.

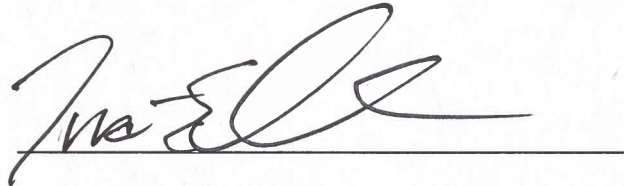
16. The value of my total attorney's fees expended on this matter to date is \$48,720.00.

17. I advanced costs and incurred expenses in this matter in the amount of \$829.09.

18. My total requested attorney fees, expenses and costs requested are \$49,549.09.

This the 21 day of February, 2024.

FURTHER AFFIANT SAYETH NAUGHT.

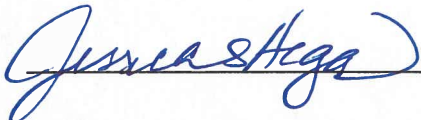


TRAVIS E. COLLUM

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

Before me, a Notary Public in and for said County and State, personally appeared the above-named TRAVIS E. COLLUM, who acknowledged that he signed the foregoing Affidavit, and that the facts stated therein are true as he verily believes.

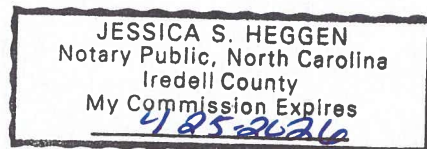
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 21 day of February, 2024, at Mooresville, North Carolina.



Notary Public

SEAL

My Commission Expires: 4.25.2026



STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE No.: 16 CvS 5190

IRIS POUNDS, CARLTON MILLER)
VILAYUAN SAYAPHET-TYLER,)
and RHONDA HALL, on behalf of)
themselves and all others similarly)
situated,)

Plaintiffs,)

v.)

PORTFOLIO RECOVERY)
ASSOCIATES, LLC,)

Defendant.)
_____)

AFFIDAVIT OF COUNSEL
ADRIAN M. LAPAS
IN SUPPORT OF MOTION FOR
FEES AND EXPENSES

NOW COMES, the undersigned co-counsel for the Plaintiffs in the above-captioned action and submits this Affidavit of Counsel Adrian M. Lapas in support of Plaintiffs' Motion for Award of Attorneys' Fees and Expenses to Class Counsel and Service Awards to Class Representatives. The undersigned, having first been duly sworn, does hereby depose and say as follows:

1. I am one of the attorneys for the Plaintiffs and have been appointed as one of the attorneys for the class as Class Counsel by order of this Court. I am an attorney in private practice with my main practice located in Goldsboro, North Carolina. I have been practicing law continuously in Goldsboro, North Carolina, since 1993.

2. I received my baccalaureate degree from the University of North Carolina—Chapel Hill in 1990. I received my Juris Doctor degree from Wake

Forest University School of Law in 1993. I was admitted to the practice of law in North Carolina on August 20, 1993. In addition, I am also admitted to practice before the United States District Court for the Eastern District of North Carolina and the United States Court of Appeals for the Fourth Circuit. I am a board-certified specialist in consumer bankruptcy law and have been continuously designated as such since 2009. I have been recognized as "Legal Elite" by Business North Carolina magazine in 2012 and recognized by Super Lawyers Magazine as a "Super Lawyer" continuously from 2019 through 2024.

3. I have made presentations at various Continuing Legal Education (CLE) seminars across the state by organizations such as the North Carolina Bar Association's Bankruptcy Institute, the Eastern Bankruptcy Institute; the North Carolina Advocates for Justice, the statewide conference of Legal Aid attorneys. These topics have ranged on various consumer protection statutes and issues such as those arising under the Truth in Lending Act, the Fair Credit Reporting Act, the Fair Debt Collections Practices Act and state debt collection statute, mortgage lending and servicing issues arising under the Real Estate Settlement Procedures Act (RESPA) and Regulation X.

4. I am a member of the National Association of Consumer Advocates (NACA) and have assisted in developing an on-line debt defense training module for use by other attorneys across the country. I am also a member of the National Association of Consumer Bankruptcy Attorneys (NACBA) and received a Distinguished Service Award in 2010 for testifying on NACBA's behalf before a

United States House of Representatives subcommittee on proposed changes to the United States Bankruptcy Code.

5. My practice consists primarily of representing individual consumers in bankruptcy cases and assisting individuals in defending claims against them and asserting claims that may arise under various consumer protection statutes. I often pursue adversary proceedings in bankruptcy cases on behalf of my clients for violations of various consumer protection statutes such as claims arising under the Fair Debt Collections Practices Act (FDCPA) and state debt collection laws; the Fair Credit Reporting Act, mortgage servicing abuses arising under RESPA and Regulation X, the Truth in Lending Act, and other issues.

6. I have extensive experience in litigation in state and federal courts as well as in arbitration proceedings. Examples of cases in which I have been lead or co-counsel in are as follows:

- *Bland et al v. Carolina Lease Management Group, LLC, et al*, (COA23-1367 on appeal to US Court of Appeals for the Fourth Circuit), a class action alleging rent-to-own contracts violate North Carolina's Retail Installment Sales Act, Chapter 75 of the North Carolina General Statutes, and constitute state debt collection violations.
- *Carolina Lease Management Group, LLC v. Greene* (Jones County Superior Court 21 CvS 134), a pending class action on consumer's counterclaim against plaintiff for violations of North Carolina Retail

Installment Sales Act, unfair trade practices, and debt collection violations. Class certification pending before a Rule 2.1 judge.

- *Moses v. Cashcall, Inc.*, 781 F.3d 63 (4th Cir. 2015) involving the interplay between arbitration provisions; core proceedings and non-core proceedings in bankruptcy cases where plaintiff asserted a claim against payday lender and payday lender contended the matter should be arbitrated.
- *Jackson v. Atwood Rentals, LLC*, (Greene County Superior Court 21 CvS 97) partial summary judgment on liability granted in favor of plaintiff; case subsequently settled for \$135,000.00 for violations of North Carolina Retail Installment Sales Act, Unfair Trade Practice and debt collection violations.
- *Johnson v. Weinstein & Riley, P.C.* (5:09-CV-377-JG) an order for fees at 2011U.S. Dist. LEXIS 33978 for claims arising under the FDCPA where law firm sued plaintiff to collect on debt in violation of the FDCPA. Plaintiff sued law firm to collect damages for such violations.
- *Newton v. Ditech Financial, LLC and US Bank* (arbitration proceedings settled in 2016) for claims arising under the FDCPA; state debt collection law and merger doctrine under real estate law.
- *Warner v. USAA Savings Bank and USAA Federal Savings Bank* (Wayne County Superior Court)(confidential settlement) for claims arising under state debt collection law.

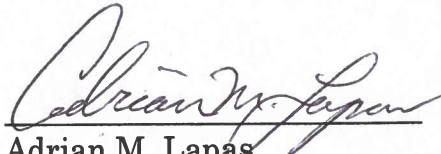
- *Mattox v. Graceland Properties, LLC (In re: Mattox)*, 635 B.R. 444 (Bankr. E.D.N.C. 2021), adversary proceeding against rent-to-own company for violating North Carolina's Retail Installment Sales Act; creditor's claim deemed void and case settled where client received significant damages and retained possession of the property.
- *Ostrowski v. Dominion Law Associates*, (7:15-CV-202-D); lawsuit filed against defendant law firm for violating the FDCPA where defendant law firm sued plaintiff on a time-barred debt and plaintiff sought damages and statutory damages for the violations.
- *In re: Clucas: Fidelity National Title Insurance Insurance Company as successor-in-interest to BAC Home Loans Services, LP and Taylor, Bean & Whitaker v. Greg Clucas and wife, Susan Clucas*, 13-00194-8-RDD (Bankr. E.D.N.C. 2015); adversary proceeding in a bankruptcy case where title insurer filed action against property co-owners after mortgage lien deemed unsecured in bankruptcy court).
- *Del Sordo v. Arch Mortgage Assurance Co. and Ackerman Law Firm*, (Brunswick County District Court 22 CvD 1316), claim against creditor for pursuing claim in violation of Fair Debt Collections Practices Act (FDCPA) and state debt collection statutes resulting in confidential settlement.

- *Dodeka, LLC v. Cobb*, 2012 N.C. App. LEXIS 578 (unpub.) where debt buyer sued defendant Cobb on debt and defendant counterclaimed and awarded damages and fees. Trial court order affirmed on appeal.
- *Edwards v. Citifinancial, Inc.*, 2011 Bankr. LEXIS 4643 (E.D.N.C.) represented Chapter 13 Trustee in action against mortgage company. Case was favorably settled for debtors where mortgage claim reduced from \$165,000 to \$30,000.00.
- *In re: Price*, 577 B.R. 643 (Bankr. E.D.N.C. 2017); commercial lease to own trailer not a “true lease” but disguised security interest and may be “crammed down” under §§ 506 and 1322 of the Bankruptcy Code.
- *Midland Funding, LLC v. Jackson* (Johnston County District Court)(confidential settlement) represented debtor sued by junk debt buyer for violations of the North Carolina debt buyer statute.
- *Edmonds v. Discover Bank and Zwicker & Associates, L.P.* (Nash County Superior Court, 18 CvS 57); represented individuals on state debt collection lawsuit and FDCPA lawsuit against law firm for violations of collection statutes which resulted in confidential settlement.

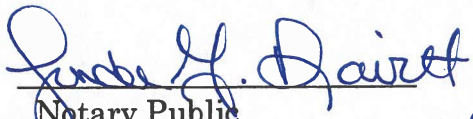
7. As of the date of this affidavit, I have spent 144.80 hours on this case as evidenced by timesheets maintained by this law firm. At present, my normal billing rate is \$385.00 an hour and I have been approved for such hourly fee by various courts including the bankruptcy court for the Eastern District of North

Carolina. I have also incurred \$491.80 in expenses associated with this case for which I also seek reimbursement.

This the 22nd day of February, 2024.


Adrian M. Lapas

Sworn to and subscribed before me
this the 22 day of February, 2024.


Notary Public
My commission expires: 9/30/28



Class Counsel's Lodestar and Expenses
Pounds Lodestar
(Includes Related Cases Townes and Spector)

Attorney/Firm	Hourly Rate	Number of Hours	Lodestar
Carlene McNulty NC Justice Center	\$390 (2015-21); \$700 (2022-24)	<i>Pounds</i> 551.3 254.5 Total: 805.8	<i>Pounds</i> \$215,007 \$178,150 =\$393,157
		<i>Townes/Spector</i> 221.5 18.8 Total: 239.6	<i>Townes/Spector</i> \$86,385 \$13,160 Total: \$99,545
		Combined Total: 1,045.4	Combined Total: \$492,702
	\$390 (2018-21); \$700 (2022-24)		
Jason Pikler NC Justice Center	\$300 (2015-21); \$550 (2022-24)	<i>Pounds</i> 815.5 588.9 Total: 1,404.4	<i>Pounds</i> \$244,650 \$323,895 =\$568,545
		<i>Townes/Spector</i> 915.4 235.2 Total: 1150.6	<i>Townes/Spector</i> \$274,620 \$129,360 =\$403,980
		Combined Total: 2,555	Combined Total: \$972,575
	\$300 (2018-21); \$550 (2022-24)		
Emily Turner NC Justice Center	\$250 (2016-21)	<i>Pounds</i> : 273.1	\$68,275
	\$250 (2018-21)	<i>Townes/Spector</i> : 44.8	\$11,200
		Combined Total: 317.9	Combined Total: \$79,475
Jerry Hartzell	\$390 (2015-21); \$700 (2022-24)	<i>Pounds</i> 1,609.2 218.4 Total: 1,827.6	<i>Pounds</i> \$627,588 \$152,880 Total: \$780,468
		<i>Townes/Spector</i> 144.2 60.5 Total: 204.7	<i>Townes/Spector</i> \$56,238 \$42,350 Total: \$98,588
		Combined Total: 2,032.3	Combined Total: \$879,056
	\$390 (2018-21); \$700 (2022-24)		

Travis Collum	\$350	139.2	\$48,720
Adrian Lapas	\$385	144.8	\$55,748
	TOTALS:	<i>Pounds Only:</i> 4,594.9	\$1,914,913
		<i>Townes/Spector:</i> 1,844.4	\$ 613,313
		Combined Total: 6,439.3	\$2,528,226

Class Counsel Expenses for *Pounds*

Attorney/Firm	Category/Description	Total Amount of Expenses as of 12/21/2023
North Carolina Justice Center	<ul style="list-style-type: none"> Filing fees Costs for two U.S. Supreme Court filings (Becker & Gallagher) Costs for scanning court files at courthouses Payment to consultant for analysis of court files PACER Courier/Postage Travel/Mileage Mediator Fee for Mediation (James Cooley) Mediator Fee for Post-Mediation Services (James Cooley) Expert/Statistical Consultant 	\$18,361.93
Jerry Hartzell	<ul style="list-style-type: none"> Mileage Parking PACER Meals 	\$3,128.20
Travis Collum	<ul style="list-style-type: none"> Mileage Hotel Parking 	\$829.09
Adrian Lapas	<ul style="list-style-type: none"> Travel Parking Mileage 	\$491.80
	TOTAL:	\$22,811.02