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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
COUNTY OF KING

COLUMBIA DEBT RECOVERY, LLC, a Washington  
limited liability company,

Plaintiff/  
Counterclaim-Defendant,

vs.

JORDAN PIERCE, an individual, and DONTE  
GARDINER, an individual,

Defendants/  
Counterclaim-Plaintiffs,

and

GUSTAVO CORTEZ, TOWANA PELTIER and  
DARIUS MOSELY,

Third-Party Plaintiffs,

vs.

COLUMBIA DEBT RECOVERY, LLC, a Washington  
limited liability company,

Third-Party Defendant,

NO. 20-2-16403-8 SEA

**REPLY DECLARATION OF SAM LEONARD IN  
SUPPORT OF DEFENDANTS/  
COUNTERCLAIM-PLAINTIFFS/THIRD-PARTY  
PLAINTIFFS' MOTION FOR ATTORNEYS'  
FEES, COSTS AND SERVICE AWARDS**

REPLY DECLARATION OF SAM LEONARD IN SUPPORT OF DEFENDANTS/  
COUNTERCLAIM-PLAINTIFFS/THIRD-PARTY PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES, COSTS AND SERVICE AWARDS - 1  
Case No. 20-2-09220-7 SEA

1 and

2 JORDAN PIERCE, DONTE GARDINER, THOMAS  
3 G. HELLER, MARY ASHLEY ANCHETA, BETHANY  
4 HANSON, MEGAN SHANHOLTZER, CRYSTAL  
PAWLOWSKI, AND TALIA LUCKEN,

5 Third-Party Plaintiffs,

6 vs.

7 THRIVE COMMUNITIES MANAGEMENT, LLC,  
8 a Washington limited liability company,  
9 THRIVE COMMUNITIES, INC., a Washington  
10 corporation, and BELKORP HOLDINGS, INC.,  
11 a Washington Corporation d/b/a THE EDEN,

12 Third-Party Defendants.

13 I, Sam Leonard, declare under penalty of perjury under the laws of the State of  
14 Washington that the following is true and correct to the best of my knowledge:

15 1. I am co-counsel for Third-Party Plaintiffs in this case.

16 2. I make this declaration based on my own personal knowledge and upon a  
17 review of the documents attached hereto.

18 3. I am over the age of 18 and competent to testify to the matters herein.

19 4. I write primarily to provide facts in response to the Declaration of Benjamin J.  
20 Stone.

21 5. As an initial matter, Mr. Stone's testimony that he has "dedicated [his] practice  
22 exclusively to complex civil litigation" (Stone Declaration ¶ 4) is not accurate. While Mr. Stone  
23 does practice complex litigation, he also represents collection agencies in straightforward  
24 individual collection abuse cases. For example, attached hereto as Exhibit 5 is a true and  
25 correct copy of the complaint filed in the matter of *Alex Gallegos vs. National Credit Systems,*  
26 *Inc.*, King County Superior Court Cs. No. 18-2-09350-3 SEA. I pulled this complaint off of the  
27 King Couty Superior Court's electronic records website. Mr. Stone represented National Credit

REPLY DECLARATION OF SAM LEONARD IN SUPPORT OF DEFENDANTS/  
COUNTERCLAIM-PLAINTIFFS/THIRD-PARTY PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES, COSTS AND SERVICE AWARDS - 2  
Case No. 20-2-09220-7 SEA

1 Systems (NCS) in this relatively low dollar individual collection abuse case brought against NCS  
2 in 2018. Attached as Exhibit 6 is a true and correct copy of a declaration Mr. Stone filed in that  
3 case on behalf of NCS.

4 6. Mr. Stone's representation that he exclusively practices complex litigation is  
5 not accurate and raises questions about the accuracy of other assertions in his declaration.

6 7. Mr. Stone reasons that this case was not hard fought and is nothing exceptional  
7 because "[l]itigation is litigation" and "even in cases that are not contentious, motions to  
8 compel are filed because the attorneys simply cannot agree on the scope of all discovery  
9 sought." Stone Declaration ¶ 8. Mr. Stone's opinion that discovery disputes are reasonable in  
10 all litigation is reflected in *Gallegos*. In *Gallegos*, Mr. Stone's client was sanctioned three times  
11 for failing to respond to discovery requests. Attached hereto as Exhibit 7 are true and correct  
12 copies of discovery orders in *Gallegos* and the associated sanction orders. The sanctions levied  
13 in *Gallegos*, a relatively straightforward individual action, totaled more than \$20,000.

14 8. Here the time spent going back and forth over reasonable discovery requests  
15 was largely the result of CDR's refusal to produce certain information and documents, as  
16 evidenced by the Court's ruling granting in part Third-Party Plaintiffs' motion to compel. If Mr.  
17 Stone's opinion that discovery disputes and time spent reviewing documents are the norm in  
18 litigation, the amounts sought in fees related to discovery are reasonable.

19 9. Mr. Stone misreads my time records and opines that this case does not appear  
20 to be extremely hard fought in part because there is very little time billed to the task of  
21 reviewing discovery records. He states that my time records only reflect 1.4 hours reviewing  
22 CDR's discovery responses. That is not accurate. My time records reflect that I spent 4.3 hours  
23 reviewing CDR's discovery responses: an hour reviewing CDR's discovery responses on  
24 3/29/2021, .8 reviewing CDR discovery and drafting discovery letter on 5/28/2021, .4  
25 reviewing CDR's discovery on 6/9/2021, an hour reviewing CDR's discovery on 9/1/2021, a  
26 half hour reviewing CDR's discovery responses on 4/4/2023, and .2 and .4 an hour related to

1 reviewing CDR discovery on 4/20/2023. Mr. Stone also fails to account for the significant  
2 amount of time that I spent reviewing discovery records in preparing briefs, drafting  
3 correspondence attempting to obtain complete responses from CDR, and time spent meeting  
4 with CDR's counsel regarding its incomplete discovery responses.

5       10.     Regarding Mr. Stone's assertion that I should have been able to handle this  
6 case alone and that my rate is higher than he believes is appropriate, it is critical to note three  
7 things. First, I represent clients, like Mr. Pierce and Mr. Gardiner, solely on contingency with  
8 no guarantee that I will be compensated for the time I spend on litigation. Mr. Stone, who  
9 defends collection abuse claims, is paid hourly by his corporate clients. Washington's  
10 appellate courts regularly find that comparing the rates charged by defendants' attorneys in  
11 consumer protection actions with those of the plaintiffs' attorneys is not appropriate given  
12 this distinction in how each is paid. *See Ewing v. Glogowski*, 198 Wn. App. 515, 525, 394 P.3d  
13 418, 424 (2017) ("The trial court awarded a 1.5 multiplier because of the significant risk that  
14 they would never be compensated for their work, because of the remedial nature of the CPA  
15 and DTA, and to encourage representation of clients with claims under those statutes. The  
16 trial court did not abuse its discretion by awarding attorney fees with a multiplier far greater  
17 than the underlying judgment.") Second, consumer protection attorneys that represent  
18 consumers in collection abuse litigation are extremely hard to come by. I am one of just a  
19 handful of consumer attorneys that represent low-income consumers in debt collection abuse  
20 cases. This is because, my clients would not be able to afford legal services were they required  
21 to pay hourly rates. Washington courts have repeatedly held that consumer attorneys that  
22 practice in my area of the law perform a legal service that is not palatable to most attorneys,  
23 indicating the specialized nature of my practice. *See Target Nat'l Bank v. Higgins*, 180 Wn.  
24 App. 165, 193, 321 P.3d 1215, 1229 (2014). Third, I am a solo attorney with a significant case  
25 load given the dearth of practitioners willing to represent individuals with issues like my  
26 clients. At any given time, I am working multiple class actions and tens of collection abuse and



1 **DECLARATION OF SERVICE**

2 I, Blythe H. Chandler, hereby certify that on February 16, 2024, I caused true and correct  
3 copies of the foregoing to be served via the means indicated below:

4 Brad Fisher, WSBA #19895  
5 Email: bradfisher@dwt.com  
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- U.S. Mail, postage prepaid
- Hand Delivered via Messenger Service
- Overnight Courier
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- Electronic Mail
- King County Electronic Filing System

11 Jeffrey I. Hasson, WSBA #23741  
12 Email: hasson@hassonlawllc.com  
13 HASSON LAW, LLC  
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15 Tigard, Oregon 97223  
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19 *Columbia Debt Recovery, LLC*

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Communities, Inc.*

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11 *Attorneys for Third-Party Defendant*  
12 *Belcorp Holdings, Inc., d/b/a The Eden*

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13 I declare under penalty of perjury under the laws of the State of Washington and the  
14 United States that the foregoing is true and correct.

15 DATED this 16th day of February, 2024.

16 By: /s/ Blythe H. Chandler, WSBA #43387  
17 Blythe H. Chandler, WSBA #43387