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*Attorneys for Plaintiff*  
*David Greenley AND THE PUTATIVE CLASS*

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

DAVID GREENLEY, individually and )  
on behalf of others similarly situated, )

Plaintiffs, )

v. )

MAYFLOWER TRANSIT, LLC, )

Defendant. )

CASE NO. 21cv339-WQH-MDD

[Judge: Hon. William Q. Hayes]

**DECLARATION OF PETER F.  
BARRY IN SUPPORT OF  
MOTION FOR (1) ATTORNEY  
FEES;(2) REIMBURSEMENT  
OF LITIGATION EXPENSES;  
(3) APPROVAL OF  
SETTLEMENT  
ADMINISTRATION FEES; AND  
(4) APPROVAL OF CLASS  
REPRESENTATIVE SERVICE  
AWARD**

Date Action Filed: February 25,  
2021

**DECLARATION OF PETER F. BARRY**

I, PETER F. BARRY, declare:

1. I am one of the attorneys for the Plaintiff, David Greenley, in this action. I am filing this declaration in support of the Plaintiff's motion for preliminary approval of class action settlement, to appoint the Plaintiff as Class Representative, and appoint my firm and the Swigart Law Group, APC as Class Counsel in this case.
2. I am licensed to practice law actively and in good standing in the States of Minnesota and Wisconsin.
3. I have personal knowledge of the following facts and, if called upon as a witness, I 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 submit this Declaration to present and summarize the time and expense expended by my firm in the representation of Plaintiff David Greenley in this matter and provide my experience and qualifications for the purposes of supporting the motion for attorney fees.
5. I am the principal attorney at The Barry Law Office, Ltd.
6. I was admitted to the State Bar of Minnesota in 1996 and have been a member in good standing ever since that time.
7. Over the past 25 years, I have been admitted *pro hac vice* in federal districts throughout the United States and have handled federal litigation in the federal districts of California.
8. Attached hereto as Exhibit 1 is a true and correct summary<sup>1</sup> of the attorneys fees from the contemporaneous time records maintained by my firm. In

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<sup>1</sup> Class Counsel is providing a summary because this is a percentage of the recovery fee request and the lodestar calculation is being provided primarily as a cross check. "Class Counsel has not provided detailed time records, but instead provides general summaries of each firm's billing time. (citation omitted). The summaries and declarations provide a

- summary my firm expended a total of more than 181.3 hours resulting in a lodestar amount of \$135,975.00, through the date of this declaration. Should the Court request more detailed time records, they can be provided on request.
9. Attached hereto as Exhibit 2 is a true and correct copy of the itemized litigation related costs and expenses incurred by both my firm and Josh B. Swigart's firm in litigating this matter. Those expenses totaled \$ 30,874.12.
10. I fully support the application of a Service Award in the amount of \$10,000 for Plaintiff David Greenley. Service Awards are "fairly typical" in class actions in the ninth circuit and Plaintiff David Greenley fully participated in all aspects of this litigation. The amount requested falls within the range of reasonableness and is similar to other service awards approved by this court as detailed in the Memorandum of Points and Authorities filed contemporaneously herewith.
11. Plaintiff David Greenley is a proud former member of the United States Armed Force with a distinguished record of military and public service. Plaintiff Greenley enlisted prior to the 9/11 terrorist attacks. He received an Honorable Discharge from the military on June 1, 2007 but continued serving in the inactive ready reserves (IRR) until July 24, 2009.
12. Plaintiff David Greenley served at a variety of military facilities as an Assistant Tactical Intelligence Officer where he was granted a SECRET security clearance, and in administration achieved the highest rank of Cadet Officer through the U.S. Army Reserve Officers' Training Corps. He simultaneously served in the Army National Guard and received various medals and commendations, including the National Defense Service Medal.
13. Plaintiff David Greenley also served various police departments in the State of Minnesota with distinction, including with the State of Minnesota at the public

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sufficient showing of the hours counsel performed on this case." *Morey v. Louis Vuitton N. Am., Inc.*, No. 11CV1517 WQH BLM, 2014 WL 109194, at \*10 (S.D. Cal. Jan. 9, 2014)

safety department for Minneapolis Community and Technical College. He also served as a Reserve Police Officer for the MN State Fair Police and provided security, policing, and emergency medical response to the largest state fair in the world, with more than 2.1 million attendees over its 12-day run.

14. Plaintiff David Greenley also served his community as a volunteer K-9 Search & Rescue (SAR) Handler from 2012-2014, where I was certified through the North American Police Work Dog Association in Tracking, as well as certified via a regional governing body in narcotics detection, with my German Shepherd K-9 Lazar. He helped give speeches and live demos at state parks, where his K-9 team would demonstrate how a lost child/person could be found using an article of clothing, or by other means. He also promoted the use of McGruff Safe Kids ID Cards to parents to help law enforcement quickly locate lost children in remote locations such as in wooded areas and during Amber Alerts.

15. Moreover, Plaintiff Greenley served as a volunteer Minneapolis Election Judge for approximately four years, two years of which were as a Precinct Assistant Chair Judge, registering voters for citywide, state, and national elections.

16. I recite the above personal history to emphasize that Plaintiff Greenley enjoys an impeccable reputation for honor, integrity and public service.

17. By volunteering to serve as Class Representative in this case Plaintiff Greenley exposed himself to reputational harm. *See, Hose v. Washington Inventory Serv., Inc.*, No. 14-CV-2869-WQH-AGS, 2020 WL 3606404 (Incentive awards are “intended to compensate class representatives for work done on behalf of the class, to make up for financial or reputational risk undertaken in bringing the action.” *See also Rodriguez v. W. Publ’g Corp.*, 563 F.3d 948, 958-59 (9<sup>th</sup> Cir. 2009); *Vasquez v. Kraft Heinz Foods Co.*, No. 3:16-CV-2749-WQH-BLM, 2020 WL 1550234, at \*9 (S.D. Cal. Apr. 1, 2020) (both same); *Van Vranken v. Atl. Richfield Co.* 901 F. Supp. 294, 299 (N.D. Cal. 1995).

1 18.This risk proved to be not merely theoretical. In Opposition to the Motion for  
2 Class Certification, Defendant specifically challenged Plaintiff Greenley's  
3 integrity. Defendant directly attacked Plaintiff Greenley's reputation arguing that  
4 "Plaintiff's litigation history calls into question his ability to to protect the  
5 interests of class members as a fiduciary" and falsely accused Plaintiff of "taking  
6 payoffs at the expense of class members." Defendants Opposition to Plaintiff's  
7 Motion for Class Certification at 2. (Dkt #36).

8 19.In addition, Plaintiff David Greenley's assistance in this matter was invaluable.  
9 Plaintiff David Greenley spent several hours reviewing and assisting class  
10 counsel in carefully, fully, and accurately responding to Defendant's written  
11 discovery requests, which included researching numerous specific historical facts  
12 about his personal background that the Defendant inquired about. He responded  
13 to written discovery requests from Defendant in this lawsuit.

14 20.Plaintiff Greenley spent several hours in preparation for his deposition with my  
15 attorneys over multiple sessions. Plaintiff Greenley also met in person with me  
16 to prepare for his deposition and ensure that he had a complete command of both  
17 the facts and the law in this case, as well as reviewing the myriad discovery  
18 produced by Defendant.

19 21.Plaintiff Greenley appeared in person for a full eight-hour deposition that was  
20 taken by Defendant.

21 22.Plaintiff Greenley listened to the hours of phone call recordings provided by  
22 Defendant and confirmed that he was not given a recording disclosure on any of  
23 those calls, either by the prerecorded menu at the beginning of the call or by the  
24 live representative.

25 23.In addition, Plaintiff Greenley was required to sign a broader general release than  
26 that applicable to other class members. The Memorandum of Understanding  
27 specifically provided "The named Plaintiff will provide a general release. Class  
28

members will release Defendant from all claims relating to the facts described in the operative complaint.”

### **Background and Experience**

24. In addition, one of the Rule 23(b) requirements is that the Class Representative must hire counsel competent to handle the pending class action. I submit this declaration in support of my belief that I am experienced in litigating class actions, as is my co-counsel Joshua B. Swigart of Swigart Law Group, APC.

25. My firm has regularly engaged in individual complex litigation involving the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, Telephone Consumer Protection Act, 47 U.S.C. § 227, Electronic Funds Transfer Act, 15 U.S.C. § 1693, the Fair Credit Reporting Act, 15 U.S.C. § 1681, and numerous other state and federal consumer protection laws.

26. Since 1996 to the present, I am a founding principal of The Barry Law Office, Ltd., a law firm practicing exclusively in the area of federal consumer rights, most specifically in litigating cases under the above-mentioned federal consumer protection statutes.

27. I have handled thousands of individual consumer lawsuits, claims, and settlements in state and federal court in 25 years in legal practice.

28. I have been repeatedly hired as a paid consumer credit industry expert by Coleman Research Group, Raleigh, North Carolina, and Gerson Lehrman Group, New York, New York.

### ***Education***

29. May 1996 – Juris Doctor from William Mitchell College of Law, Saint Paul,

Minnesota. Admitted to practice in October 1996.

30. June 1993 – Bachelor of Arts in Political Science from the University Minnesota  
Twin Cities. Emphasis in presidential politics.

31. June 2014 – United States Army War College, Certificate of Leadership  
Development, National Security Strategy Seminar Graduate.

***National Consumer Rights Law Practice***

32. I am an attorney permanently licensed in the States of Minnesota and Wisconsin  
and am admitted to practice before the courts listed below:

<b>Date Admitted / Court Name</b>	<b>Status</b>
1994 – Certified Student Attorney, State of Minnesota	Inactive
1996 – Attorney, State of Minnesota	Active
1997 – USDC District of Minnesota	Active
2001 – USDC Western District of Washington, Pro Hac Vice	Inactive
2002 – United States 8 <sup>th</sup> Circuit Court of Appeals	Active
2002 – USDC Northern District of Texas	Active
2003 – Attorney, State of Wisconsin	Active
2003 – United States Supreme Court, Washington, D.C.	Active
2003 – USDC Eastern District of Pennsylvania, Pro Hac Vice	Inactive
2003 – USDC Western District of Wisconsin	Active

1	2004 – USDC Northern District of California, Pro Hac Vice	Inactive
2	2004 – USDC Southern District of California, Pro Hac Vice	Inactive
3		
4	2006 – USDC District of Colorado	Active
5	2007 – USDC District of Hawaii, Pro Hac Vice	Inactive
6		
7	2008 – Circuit Court, Prince George’s County, Maryland	Inactive
8		
9	2009 – USDC Eastern District of Michigan	Active
10	2010 – USDC Western District of Tennessee	Active
11	2011 – USDC Eastern District of Tennessee	Active
12	2013 – USDC District of Arizona, Pro Hac Vice	Inactive
13	2013 – USDC Eastern District of New York	Active
14		
15	2013 – USDC Eastern District of Wisconsin	Active
16	2013 – USDC District of Nebraska	Active
17		
18	2013 – USDC Southern District of Texas, Pro Hac Vice	Inactive
19	2014 – USDC Northern District of Alabama, Pro Hac Vice	Inactive
20	2015 – USDC Middle District of Florida, Pro Hac Vice	Inactive
21		
22	2016 – USDC Eastern District of Missouri, Pro Hac Vice	Active
23	2018 – USDC Middle District of Florida, Pro Hac Vice	Active
24	2019 – Alaska, Temporary Admission (Volunteer attorney in	Inactive
25	Earthquake Relief Program)	
26		
27	2019 – California Office of Special Admissions (OSAAC)	Inactive
28		



2021 – State of Oregon, Attorney	Active
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### ***Professional Memberships***

33.I have professional memberships in a number of legal organizations, as listed below:

- National Association of Consumer Advocates (NACA).
- National Consumer Law Center (NCLC).

### ***Other Professional Legal Work***

34.From 2018-2020, I have served as a supervising attorney by the Lawyers Professional Responsibility Board.

35.Since 2003, I have been an adjunct Professor of Law at Mitchell Hamline School of Law, in Saint Paul, Minnesota, where I have taught two-credit Consumer Rights Litigation class.

36.From 2006-2019, I served as the 4th District Hennepin County Ethics Investigator, where I have conducted and issued reports and disciplinary recommendations on numerous ethics investigations of attorneys.

37.Since 2011, I have volunteered as an attorney on the Federal Pro Se Project panel in Minneapolis, Minnesota. I provided legal advice and practical litigation direction for unrepresented persons referred by the United States District Court.

38.Since 2001, I have personally trained more than 1,300 attorneys from all 50 states, Washington D.C. and Puerto Rico in FDCPA litigation practices in an

intensive course known as The FDCPA Boot Camp©. I developed all course curriculum and materials for these litigation seminars.

39. In 2008, I jointly developed with O. Max Gardner, and delivered a consumer rights litigation curriculum for small group trainings of private consumer rights attorneys known as The Ultimate Litigation Boot Camp. The training involved live depositions, discovery strategies, conducting evidentiary vignettes, a full day of live courtroom work with an actual Judge, court reporter, and witnesses.

### ***Significant Litigation***

40. On March 13, 2020, I settled an individual identity theft case under the Fair Credit Reporting Act for \$46,000, pre-answer. Consumer Client v. Cellular Phone Store, (USDC- Minnesota Court File No. 0:19-cv-XXXX-DSD-KMM).

41. On March 29, 2012, I was awarded \$44,625.00 in attorney's fees in an FDCPA case against a Minneapolis collection firm who tried to collect from the wrong person at the rate of \$425 per hour for work done in 2009-2011. Gupta v. Arrow Financial Services, LLC, Gurstel, Staloch & Chargo, P.A., et al. (USDC- Minnesota Court File No. 09-cv-03313-SRN-SER at Docket 57).

42. On January 21, 2010, I was hired by Texas Attorney General to testify as the sole expert witness on consumer fraud case resulting in \$13,800,000 dollar verdict. State of Texas v. Jubilee Financial Solutions, L.P., D/B/A The Credit Card Solution, et al., District Court of Harris County, 215<sup>th</sup> Judicial District, No. 2009-43253.

1 43. On October 29, 2007, I won a partial summary judgment in FDCPA case  
2 predicated upon more than 50 calls to consumer's workplace. Sanchez v. Client  
3 Services, Inc., 520 F.Supp.2d 1149 (USDC-ND California, San Jose Division,  
4 No. C-06-6280).

6 44. On January 4, 2006, I settled an individual FDCPA case against debt collector  
7 for abusive phone conversations for \$275,000. Rice v. Inland Legal (USDC-  
8 Minnesota Court File No. 04-5104 JMR/FLN).

10 45. On December 8, 2005, I was awarded \$58,155 in fees and costs in an individual  
11 FDCPA case involving abusive collection calls with co-counsel. Frankenfield v.  
12 National Action Financial Systems, Inc. (USDC-ED of Pennsylvania Court File  
13 No. 04-cv-00238-ACR).

15 46. On December 17, 2003, I was certified as Lead Class Counsel, along with  
16 Thomas J. Lyons Jr. - Remely v. Etan General, Inc. (USDC-ND of Texas, Court  
17 File No. 3-01CV2658-K) representing a class of approximately 27,400  
18 Minnesota residents.

20 47. On June 26, 2003, I, along with Thomas J. Lyons, Jr., was certified as Class  
21 Counsel - Domzalski v. Coldata, (USDC-Minnesota, Court File No. CV 01 1883  
22 DSD/SRN) representing a class of approximately 2,600 Minnesota residents.

24 48. In April 2002, along with Thomas J. Lyons and Thomas J. Lyons, Jr., I was  
25 certified as Class Counsel - Byrd v. Metropolitan Corporation (Hennepin County,  
26 Minnesota, Court File No. CT-00-0169055) representing a class of  
27  
28

1 approximately 3,300 Minnesota residents with class case tried to a jury

2 49. In the year 2000, I, along with Thomas J. Lyons, Jr., won the first reported  
3 Minnesota jury verdict on invasion of privacy claim - \$15,000 - O'Brien v.  
4 Minnesota Recovery Bureau (Wright County, Minnesota, Court File No. 86-C8-  
5 99-000470).

6  
7  
8 50. In 1999, I was certified as Class Counsel - Jordan et al. v. Western Diversified  
9 Life Insurance Company (Hennepin County, Minnesota, Court File No. CT-96-  
10 016337) multi-million-dollar consumer case against insurance company for  
11 failure to refund unearned portion of premiums representing several thousand  
12 Minnesota residents.

13  
14 ***Professional Speaker on Consumer Rights Issues***

15  
16 51. I have participated in numerous professional speaking engagements as listed  
17 below:

- 18 • Featured lecturer at the University of South Carolina Law School speaking  
19 on the issues related the FDCPA, *Ramirez* and *Spokeo* damages models  
20 and Regulation F on September 16, 2021.
- 21 • Featured speaker at the National Consumer Law Center's Annual FDCPA  
22 Conference speaking on collection technologies and trends in FDCPA  
23 cases in March 2021.
- 24 • Guest speaker on panel addressing FDCPA and Regulation F issues for the  
25 collection industry on a live broadcast to 350 lawyers from  
26  
27  
28

AccountsRecovery.net on February 15, 2021.

- Featured speaker at Minnesota CLE speaking to attorneys about FDCPA basics and claims to be made by consumer clients in December 2021.
- Featured speaker at the InsideARM/Kaulkin Ginsberg national seminar panel speaking on collection topics to collection agency personnel and counsel in November 2020.
- Featured speaker at the National Consumer Law Center's Annual FDCPA Conference speaking on FRCP 68 Offers of Judgment and settling FDCPA cases on March 30, 2020.
- Featured speaker at the Minnesota State Bar Association – Bankruptcy Section speaking on identifying FDCPA claims in the bankruptcy context November 19, 2019.
- Featured speaker at the Brain Injury Alliance speaking on rights of consumers suffering from Traumatic Brain Injuries who are in collections on June 1, 2018.
- Featured speaker at the University of Minnesota Law School Community Legal Partnership for Health Clinic course speaking on rights of consumers who are in collections on October 18, 2017.
- Keynote speaker at the 2017 NACA/NCLC FDCPA Conference New Orleans to expert and beginner groups on TCPA and FDCPA litigation.
- Featured speaker at the University of Minnesota Law School Community

1 Legal Partnership for Health Clinic course speaking on rights of consumers  
2 who are in collections on October 19, 2016.

- 3  
4 • Featured speaker at webinar on Evidence Gathering in FDCPA and TCPA  
5 Cases for the National Association of Consumer Advocates on July 26,  
6 2016.
- 7  
8 • Featured speaker at the 2016 NACA/NCLC FDCPA Conference Miami to  
9 expert and beginner groups on TCPA and FDCPA litigation.
- 10  
11 • Featured speaker on “Law Firm Economics” at Expo Elementary, Saint  
12 Paul, Minnesota, November 2015.
- 13  
14 • Featured speaker at Minnesota Brain Injury Alliance on the legal rights of  
15 traumatic brain injury patients, September 2015.
- 16  
17 • Featured speaker at the 2015 NACA/NCLC FDCPA Conference  
18 Washington, D.C. to expert and beginner groups on TCPA and FDCPA  
19 litigation, March 2015.
- 20  
21 • Featured Speaker at Minnesota State Bar Association Debtor Creditor  
22 CLE, January 2015.
- 23  
24 • Featured CLE speaker Federal Pro Se Project CLE – Mini FDCPA Boot  
25 Camp for volunteer attorneys, May 2014.
- 26  
27 • Featured speaker at the 2014 NACA/NCLC FDCPA Conference San  
28 Antonio to expert and beginner groups on TCPA and FDCPA litigation.
- Featured webinar speaker with NACA on “Everything You Need To Know

About Client Intake” in October 2013.

- Featured speaker at the Minnesota State Bar Association Creditor/Consumer CLE, Minneapolis in October 2013.
- Featured speaker at Attorney General CLE in front of 300+ lawyers in Minneapolis June 2013.
- Minnesota Assistance Council for Veterans, May 14, 2013, Minneapolis, one-on-one pro bono consumer counseling for disabled veterans.
- Featured speaker at NCLC Conference Baltimore March 2013 to expert and beginner groups on TCPA and FDCPA litigation.
- “Avoiding Suits Under the FDCPA”, Minnesota Lawyers Mutual, webcast CLE to approximately 800 lawyers nationwide, January 31, 2013, Minneapolis.
- FDCPA CLE Presentation, October 31, 2012, Minnesota Association of Justice (Trial Lawyers) Minneapolis, in front of 55 lawyers for an hour.
- Debtor Creditor Bar Meeting, Minnesota State Bar Association, October 15, 2012, in front of 200 lawyers for two hours.
- Senior Legal Fair, September 14, 2012, Saint Paul, one-on-one pro bono consumer counseling for elderly.
- Speaker at National Organization Of Social Security Claimants' Representatives Conference, May 4, 2012, in Philadelphia, Pennsylvania.
- Speaker at National Association of Consumer Advocates/National

1 Consumer Law Center FDCPA Conference on February 23, 2012, in New  
2 Orleans, Louisiana.

- 3  
4 • Speaker at the Minnesota State Bar Association, Creditor-Debtor  
5 Committee, Minneapolis, on October 11, 2011.
- 6  
7 • Speaker at the Minnesota Real Estate Exchangers (MREE) Meeting, on  
8 October 5, 2011, in Edina, Minnesota.
- 9  
10 • Speaker at the 2011 Cleveland Metropolitan Bar Association's William J.  
11 O'Neill Bankruptcy Institute, May 17, 2011, in Cleveland, Ohio.
- 12  
13 • Speaker at National Association of Consumer Advocates and the NCLC  
14 FDCPA Conference on March 3, 2011, in Seattle, Washington.
- 15  
16 • Speaker at the Minnesota State Bar Association, Creditor-Debtor  
17 Committee, Minneapolis, on November 16, 2010.
- 18  
19 • Speaker and litigation instructor at the National Association of Consumer  
20 Bankruptcy Attorneys, in San Juan, Puerto Rico on November 5-6, 2010.
- 21  
22 • Speaker at the North American Collection Agency Regulators Association,  
23 in Bismarck, North Dakota on October 4, 2010.
- 24  
25 • Speaker and litigation instructor at the National Association of Consumer  
26 Bankruptcy Attorneys, in San Francisco, California on May 1-3, 2010.
- 27  
28 • Speaker at the Minnesota State Bar Association, Creditor-Debtor  
Committee, Minneapolis, on April 22, 2010.
- Speaker at National Association of Consumer Advocates and the NCLC



1 FDCPA Conference on March 5, 2009, in Jacksonville, Florida.

- 2 • Speaker at the North American Collection Agency Regulators Association,  
3 in Boise, Idaho on August 31, 2009.
- 4 • Speaker at the National Association of Consumer Bankruptcy Attorneys,  
5 in Chicago, Illinois on May 29-31, 2009.
- 6 • Speaker at National Association of Consumer Advocates and the NCLC  
7 FDCPA Conference on February 27, 2009, in San Diego, California.
- 8 • Speaker at ABA Consumer Litigation Conference in Scottsdale, Arizona  
9 on January 12, 2009 Conference.
- 10 • Speaker at the National Consumer Law Center's Annual Consumer Rights  
11 Conference in Portland, Oregon on October 24-25, 2008.
- 12 • Speaker at the Elder Law CLE in Minneapolis on October 2, 2008.
- 13 • Speaker at the North American Collection Agency Regulators Association,  
14 in Minneapolis on September 22, 2008.
- 15 • Speaker at the Minnesota State Bar Association Bankruptcy CLE at the  
16 Northland Inn in Brooklyn Park, Minnesota on October 6, 2008.
- 17 • Speaker at the Creditor/Debtor CLE in Minneapolis on July 7, 2008.
- 18 • Speaker at National Association of Consumer Advocates and the NCLC  
19 FDCPA Conference on March 28, 2008, in Nashville, Tennessee.
- 20 • Speaker at the Volunteer Attorneys Program in Duluth, Minnesota on  
21 October 19, 2007, on the topic of abusive collection practices.

- 1       • Speaker at the Minnesota State Bar Association's "Military Legal  
2 Assistance Seminar" on September 11, 2007 in Minneapolis.
- 3
- 4       • Speaker at the University of Gonzaga Law School in Spokane, Washington  
5 on July 13, 2007.
- 6
- 7       • June 2-3, 2006 – Featured Speaker on consumer debt collection and the  
8 FDCPA at Gonzaga University School of Law, Spokane, Washington.
- 9
- 10       • February 25-26, 2006 – Featured Speaker and Panel Member at the  
11 National Consumer Law Center's Conference on Fair Debt Collection  
12 Practices, Austin, Texas.
- 13
- 14       • June 2-3, 2006 – Featured Speaker on consumer debt collection and the  
15 FDCPA at Gonzaga University School of Law, Spokane, Washington.
- 16
- 17       • February 25-26, 2006 – Featured Speaker and Panel Member at the  
18 National Consumer Law Center's Conference on Fair Debt Collection  
19 Practices, Austin, Texas.
- 20
- 21       • November 1, 2005 – Guest lecturer in Consumer Law, Hamline University  
22 School of Law, Saint Paul, Minnesota.
- 23
- 24       • October 28-29, 2005 – Featured Speaker and Panel Member at the National  
25 Association of Consumer Advocates Annual Conference, Minneapolis,  
26 Minnesota.
- 27
- 28       • July 28, 2005 – Featured speaker to a large group of attorneys at the  
Minnesota State Bar CLE Center on the topic of "What Gets Collection

1 Lawyers Sued.”

- 2 • March 12-13, 2005 – Featured Speaker and Panel Member at the National  
3 Consumer Law Center’s Conference on Fair Debt Collection Practices,  
4 Washington, DC.
- 5 • February 21-22, 2004 – Featured Speaker and Panel Member at the  
6 National Consumer Law Center’s Conference on Fair Debt Collection  
7 Practices, Kansas City, Missouri.
- 8 • September 16, 2004 – Featured speaker to a large group of attorneys at the  
9 Minnesota State Bar CLE Center on the topic of “FDCPA: A Plaintiff’s  
10 Perspective.”
- 11 • December 19, 2003 – Featured Speaker at the Minnesota State Bar  
12 Association's Landlord/Tenant Committee on lawful debt collection  
13 issues.
- 14 • October 24, 2003 – CLE Speaker on Fair Debt Collection topics at  
15 National Association of Consumer Advocates Conference in Oakland,  
16 California.
- 17 • September 17, 2003 – Featured speaker at Minnesota State Bar Association  
18 Center on the topic of unlawful debt collection practices.
- 19 • May 21, 2003 – Featured speaker at Hennepin County Bar Association,  
20 Creditor Debtor Section, Minneapolis, Minnesota.
- 21 • March 1, 2003 – Featured speaker at Minnesota Trial Lawyers Conference,  
22  
23  
24  
25  
26  
27  
28

Duluth, Minnesota.

- January 15, 2003 – Featured speaker at a roundtable conference before students and staff at William Mitchell College of Law, Saint Paul, Minnesota on the topics of consumer rights and solo practice.
- September 2002 – Featured speaker North American Collection Agency Regulatory Authorities Convention, New Orleans, Louisiana.
- September 2002 – Featured speaker at Woodbury Public Safety Seminar on Identity Theft, Woodbury, Minnesota.
- August 2002 – Featured speaker at Minnesota Trial Lawyers Conference, Alexandria, Minnesota.
- March 2002 – Speaker at Continuing Legal Education Class on Legal Debt Collection and Consumer Rights, Eagan, Minnesota.

### ***Other Professional Accomplishments***

52. My other professional accomplishments include:

- June 23, 2020 – Attended Open Source Intelligence Seminar on the use of publicly available documents to assist in litigation research and discovery.
- November 19, 2019 – Certificate of Recognition from the Lawyers Board of Professional Responsibility for my 12-years of service as an ethics investigator in the Fourth District of Hennepin County.
- November 2015 – Founding Member Law School Transparency National Advisory Council, [www.lawschooltransparency.com](http://www.lawschooltransparency.com).

- 1       •     August 2013 – Graduate Interview and Interrogation Techniques Seminar,  
2             Wicklander Zuluwski, Boston, Massachusetts.
- 3
- 4       •     June 2013 – Avvo.com Attorney Rating of 10.0 out of 10.0 (Superb).
- 5
- 6       •     October 18, 2012 – Attended Federal Trade Commission’s Robo-Dialer  
7             Enforcement Summit, Washington, D.C.
- 8
- 9       •     November 13, 2011 – Attended House Telecom Subcommittee Hearings  
10            on Robo-Dialing of Cellular telephone and assisted in witness preparation,  
11            acting as special counsel for National Association of Consumer Advocates  
12            legislative director.
- 13
- 14       •     October 2005 – Named 2005-2006 Consumer Lawyer of the Year by the  
15             National Association of Consumer Advocates.
- 16
- 17       •     2006 – 2016 – National Association of Consumer Advocates Minnesota  
18             State Director.
- 19
- 20       •     2003 – Class counsel directing \$7,121 as Cy Pres Award to the Minnesota  
21             Legal Services Coalition, Saint Paul, Minnesota arising out of Remely v.  
22             Etan General, Inc. litigation.
- 23
- 24       •     2003 – Class counsel directing \$11,824 as Cy Pres Award to the National  
25             Consumer Law Center arising out of Domzalski v. Coldata, Inc. litigation.
- 26
- 27       •     1996 – Competitor at National Trial Advocacy Competition, Chicago,  
28             Illinois.
- 1995 – CALI Award Winner for Excellence on Criminal Appeals.

- 1 • 1995 – Law Clerk - In Re: Sexual Predator Taskforce Civil Commitment
- 2 Litigation.
- 3
- 4 • 1995 – Student Attorney - Legal Assistance to Minnesota Prisoners.
- 5
- 6 • 1994 – Volunteer Housing Advocate - Saint Paul Tenants Union.
- 7

### 8 ***Publications***

9 53.I have published the following:

- 10 • 2002 – “Avoiding Lawsuits Under the FDCPA”, Consumer Credit
- 11 Collector Advisor, Vol. 10, Issue 3.
- 12 • 1996 to Present – Responsible for the creation, publication and
- 13 maintenance of all content on my FDCPA consumer website,
- 14 [www.lawpoint.com](http://www.lawpoint.com).
- 15
- 16 • 2001 to Present – Authored and published literally thousands of pages of
- 17 training materials for the FDCPA Boot Camp©.
- 18
- 19 • 2003 – Collections Communications Log© for tracking abusive debt
- 20 collection calls. Copyright 2001, United States Copyright Office
- 21 Registration Number TX8-728-705.
- 22
- 23 • 2001 – FDCPA Violations Checklist and Cheat Sheet© for systemizing
- 24 and organizing appropriate statutory claims under the FDCPA. Copyright
- 25 2003, United States Copyright Office Registration Number TX8-712-051.
- 26

### 27 ***Media Appearances***

28 54.I have made numerous media print, video, and live appearances, including those

1 show below:

- 2 • September 24, 2020 – Appeared on WCCO-TV for a story on consumers  
3 who lost wedding money as a result of pandemic-related venue closings.  
4 “The Steps To Take Before Losing Money At A Closed Business.”
- 5 • April 2020—Consulted with newspaper reporter extensively for story  
6 about the use of certain strategies to collect particular types of consumer  
7 debt for story to run in the latter-part of April 2020.
- 8 • May 1, 2019—Interviewed and featured in a television news story about  
9 robocall abuses on WCCO-4 in Minneapolis, “Local Attorney Helps  
10 Consumers Targeted By Robocalls.”
- 11 • January 7, 2019—Interviewed and featured in story about robocaller  
12 abuses by City Pages magazine, “You’re not crazy: You got twice as many  
13 robocalls in 2018.”
- 14 • June 3, 2017 – Interviewed and quoted by The New York Times for a story  
15 on the pending FCC petition requesting that companies be allowed to send  
16 voicemail message automatically to cell phones without consent, “No,  
17 Your Phone Didn’t Ring. So Why Voice Mail From a Telemarketer?”
- 18 • May 12, 2017 – Interviewed and quoted by KARE-11 Television for a  
19 story on automated calls to cell phones, “How to stop robocalls”
- 20 • April 21, 2017 – Interviewed and quoted by the Minneapolis Star Tribune  
21 for a story on Hennepin County choice for bad check prosecution diversion  
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vendors, “Diversion firm owner chosen by county attorney associated with past sanctions”

- February 2015 – Interviewed and quoted by Minneapolis / St. Paul Business Journal regarding proposed TCPA legislation.
- February 15, 2015 – Interviewed and quoted by Minneapolis StarTribune regarding proposed TCPA reforms.
- January 9, 2014 – Interviewed and quoted by Aljazeera-America for a story about abusive debt collection practices and phantom lawsuits against consumers.
- September 2013 –Interviewed by Creditcards.com for story on student loans and garnishment practices on consumer judgments.
- November 30, 2011 – Provided Minnesota Public Radio with background and on-air quotes regarding abusive collection practices in Minnesota.
- March 23, 2011 – Provided ABC Evening News with Diane Sawyer with samples of more than a dozen abusive collection calls used in a national broadcast story.
- August 1, 2010 – featured on the front page of the Minneapolis Star Tribune Sunday newspaper for are article about training lawyers to sue debt collectors, page 1.
- May 13, 2009 – featured in a Minnesota story on debt collection litigation on Minnpost.com.



- 1       •     March 27, 2009 – appeared on Dateline NBC with Chris Hansen and the  
2             Today Show to discuss abusive collection practices by consumer debt  
3             collectors in the U.S.
- 4
- 5       •     August 22, 2008 – appeared on Fox TV to discuss the frightening  
6             collection tactics used by some debt collectors.
- 7
- 8       •     July 13, 2008 – featured in a story in the Minneapolis StarTribune  
9             newspaper involving the abuse of the military by debt collectors.
- 10
- 11       •     June 4, 2008 – appeared on the front cover of Minneapolis City Pages  
12             Magazine for a feature article about her life and FDCPA practice.
- 13
- 14       •     June 17, 2008 – appeared live on Fox Morning Show featuring a segment  
15             on abusive collection practices.
- 16
- 17       •     May 8, 2008 – featured on Los Angeles' Fox 11 News speaking about  
18             abusive collection practices.
- 19
- 20       •     May 6, 2008 – appeared on KMSP-TV Fox 9 News for a story on abusive  
21             debt collection.
- 22
- 23       •     January 19, 2007 – featured on ABC's 20/20 and Nightline for a story  
24             about abusive debt collection practices.
- 25
- 26       •     April 2004 – Named a 2004 SuperLawyer by Minnesota Law & Politics  
27             Magazine.
- 28       •     February 13, 2004 – Interviewed and clients featured in a story on KSTP  
              Channel-5 involving abusive collection practices in Minneapolis-Saint

1 Paul.

- 2
- 3 • March 5, 2004 – Interviewed and client featured in an investigative story
- 4 on abusive debt collection practices with CBS Evening News.
- 5 • February 2004 – New York Times, New York. Background interview for
- 6 story on abusive debt collection practices and the credit card industry.
- 7
- 8 • May 19, 2003 – Appeared in abusive debt collection practices story on
- 9 www.Bankrate.com consumer financial services website and
- 10 www.msnbc.com.
- 11
- 12 • April 18, 2003 – National Public Radio, Boston, Massachusetts.
- 13 Background interview for story on abusive debt collection practices.
- 14
- 15 • April 2003 – Named a 2003 SuperLawyer by Minnesota Law & Politics
- 16 Magazine.
- 17
- 18 • November 20, 2002 – KSTP-TV Channel 5, Minneapolis-Saint Paul,
- 19 Minnesota. Appeared in story on abusive debt collection practices and
- 20 tape-recorded collection calls.

21 ***Volunteer Work***

22

23 55.I have volunteered on numerous occasions over the past several years, including

24 the activities listed below:

- 25 • 2012 to Present – provided 50 hours or more of pro bono legal services per
- 26 year to help people who otherwise could not afford counsel achieve justice.
- 27
- 28 • 2013 – Minnesota Assistance Council for Veterans May 2013 rendering

1 legal services to disabled American Veterans at the VA Hospital,  
2 Minneapolis.

- 3
- 4 • 2012 – Member of ad hoc working group with the Consumer Financial  
5 Protection Board (CFPB) for legislative debt collection reforms.
- 6
- 7 • 2011 – Lobbied in Washington, D.C. against robo-dialer “reform”  
8 legislation that would have permitted unrestricted robotic calls to cellular  
9 telephones. Assisted in televised Congressional testimony that resulted in  
10 successfully killing bill before it got out of committee (HR 3035).
- 11
- 12 • 2011 to Present – Volunteer Attorney for Federal Pro Se Project,  
13 Minneapolis, Minnesota.
- 14
- 15 • 2010 to 2011 – Volunteer parent fundraiser for Great River School, Saint  
16 Paul, Minnesota.
- 17
- 18 • 2010 – Volunteer host family for International Foreign Exchange Student,  
19 Youth For Understanding USA.
- 20
- 21 • 2008 – Community Activist for Como Park Neighbors association.
- 22
- 23 • 2006 to 2016 – Minnesota State Coordinator for the National Association  
24 for Consumer Advocates vetting membership applications.
- 25
- 26 • 2006 to 2016 – University of St. Thomas School of Law Student Mentor  
27 Program.
- 28
- 2005 – Lobbied against bankruptcy reform in Washington, D.C.
- 2004 – National Consumer Law Center, Member of Federal Lobbying

Committee.

- 2003 to 2006 – National Consumer Law Center, Ad Hoc Planning Committee for the Conference on Fair Debt Collection Practices.
- 2003 – University of St. Thomas School of Law, Minneapolis, Minnesota – informal brown bag luncheon to help identify consumer law topics that affect equal justice.
- 2001 to 2004 – Habitat for Humanity, Saint Paul, Minnesota.
- 2000 to 2008 – William Mitchell College of Law Student Mentor Program.
- 1998 to 2000 – Volunteer mentor St. Joseph’s Home for Children, Minneapolis.
- 1999 to Present – Volunteer attorney mentor assisting new consumer lawyers in Minneapolis, Knoxville, Portland, Allentown, San Diego, Colorado Springs, Cleveland, and throughout virtually every state in America.
- 1997 to 2017 – Volunteer Presiding and Scoring Competition Judge, Minnesota State Bar Association High School Mock Trial Competition.

### ***Conclusion***

56.I, and my co-counsel, have vigorously litigated this action in the best interests of the class. I believe that the attorney fee request, the litigation costs reimbursement request, the settlement claims administrator cost reimbursement request, and the requested service award are fair, reasonable and in line with awards in similar cases.

1 I declare under penalty of perjury under the laws of the United States of America  
2 that the foregoing is true and correct, and that this declaration was executed on  
3 March 7, 2022.

4  
5 s/Peter F. Barry

6 Peter F. Barry  
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# **EXHIBIT 1**

**Exhibit 1: Summary of Attorney's Fees****Class Counsel, Peter F. Barry's Attorney Fees (\$750/hr)**

	<b>Hours</b>	<b>Attorney Fees</b>
Investigating the Action	2.50	\$ 1,875.00
Conducting Discovery	35.30	\$ 26,475.00
Litigating Discovery Disputes	17.40	\$ 13,050.00
Conducting Depositions	28.00	\$ 21,000.00
Researching and Drafting Documents	60.40	\$ 45,300.00
Settlement Negotiations and Agreement	37.70	\$ 28,275.00
<b>Peter Barry's Total Attorney Fees:</b>	<b>181.3</b>	<b>\$ 135,975.00</b>

**Class Counsel, Joshua Swigart's Attorney Fees (\$775/hr)**

	<b>Hours</b>	<b>Attorney Fees</b>
Investigating the Action	2.5	\$ 1,937.50
Conducting Discovery	47.8	\$ 37,045.00
Litigating Discovery Disputes	40.3	\$ 31,232.50
Conducting Depositions	38.9	\$ 30,147.50
Researching and Drafting Documents	59	\$ 45,725.00
Settlement Negotiations and Agreement	38.8	\$ 30,070.00
<b>Joshua Swigart's Total Attorney Fees:</b>	<b>227.3</b>	<b>\$ 176,157.50</b>

**Collaborative Hours and Attorney Fees**

	<b>Hours</b>	<b>Attorney Fees</b>
Investigating the Action	5.00	\$ 3,812.50
Conducting Discovery	83.10	\$ 63,520.00
Litigating Discovery Disputes	57.70	\$ 44,282.50
Conducting Depositions	66.90	\$ 51,147.50
Researching and Drafting Documents	116.40	\$ 88,775.00
Settlement Negotiations and Agreement	76.50	\$ 58,345.00
<b>Total Hours and Attorney Fees</b>		
TOTAL EXHAUSTED HOURS:		408.60
TOTAL FEES:		\$ 312,132.50

# **EXHIBIT 2**



**Exhibit 2: Summary of Costs**

<b><u>Category</u></b>	<b><u>Amount</u></b>
Copies and Printing	\$ 18.75
Depositions	\$ 5,130.52
Filing Fees	\$ 658.00
Mediation	\$ 8,578.22
Misc. Office Supplies	\$ 213.12
Outside Services	\$ 11,177.13
Postage	\$ 19.70
Research	\$ 21.00
Service	\$ 769.00
Westlaw	\$ 4,288.68
<b>Total Costs</b>	<b>\$ 30,874.12</b>