

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TOMEKA BARROW and ANTHONY
DIAZ, Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

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Civil Action File No.

1:16-cv-03577-AT

**DECLARATION OF JOSHUA B. SWIGART IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, JOSHUA B. SWIGART, declare:

1. I am one of the attorneys for the plaintiffs in this action, Tomeka Barrow and Anthony Diaz (the “Plaintiffs”). I am over the age of 18 and am fully competent to make this declaration. I was admitted to the State Bar of California in 2003 and have been a member in good standing ever since that time.
2. I am a member in good standing of the bars of the State of California, District of Columbia, Washington, Wisconsin and Michigan. I am also

admitted in every federal district in California and have handled federal litigation in Arizona, Washington, Minnesota, Tennessee and Texas.

3. If called as a witness, I would competently testify to the matters herein from personal knowledge. The declaration is based upon my personal knowledge, except where expressly noted otherwise.
4. I am admitted *pro hac vice* in this action.
5. I have been preliminarily approved as one of Class Counsel in this matter for settlement purposes.
6. I submit this declaration in support of the Motion for Final Approval of Class Action Settlement.
7. I believe that Plaintiffs have continued to adequately represent the Settlement Class Members since preliminary approval was granted on March 16, 2018.
8. Class Counsel have no reason to believe there are any present objections to the Settlement Agreement or motion for attorneys' fees, costs and service awards.
9. The proposed settlement resulted from many months of good-faith, adversarial, and contentious arm's-length negotiations, including private mediations before experience mediators.

10. In my experience serving as class counsel in several TCPA class action settlements in several different jurisdictions, a claims rate of approximately 11-12% is higher than average.

11. In my opinion, based upon experience in litigating class actions under the TCPA, and the facts of this case, including the number of class members and other circumstances, I believe the settlement is fair, reasonable, and adequate. Consequently, I believe the settlement merits final approval by the Court.

I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on October 18, 2018.

By: s/ Joshua B. Swigart
Joshua B. Swigart