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15 *Attorneys for Plaintiffs and the Proposed Class*

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

17 JUAN ROMERO, FRANK
18 TISCARENO, and KENNETH
19 ELLIOTT, on behalf of themselves, and
20 all others similarly situated,

21 Plaintiffs,

22 v.

23 SECURUS TECHNOLOGIES, INC,

24 Defendant.

Case No.: 16-cv-1283-JM-MDD

CLASS ACTION

**DECLARATION OF JUAN
ROMERO IN SUPPORT OF
PLAINTIFFS' MOTION FOR
LITIGATION COSTS,
INCENTIVE AWARDS, AND
ATTORNEYS' FEES**

Date: September 28, 2020

Time: 10:00 a.m.

Ctrm: 5D

Judge: Hon. Jeffrey T. Miller

1 Pursuant to 28 U.S.C. § 1746, I, Juan Romero, hereby declare and state as
2 follows:

3 1. I, along with plaintiffs Kenneth Elliott and Frank Tiscareno
4 (collectively myself and the Mr. Elliott and Mr. Romero are referred to herein as
5 “Plaintiffs”), serve as class representatives pursuant to the Court’s Order granting
6 in part Plaintiffs’ motion for class certification (D.E. 141) in the above-captioned
7 matter. I make this declaration in support of Plaintiffs’ Motion for Costs, Incentive
8 Awards, and Attorneys’ Fees. This declaration is based on my own personal
9 knowledge, and if called to testify, I could and would do so competently on the
10 matters stated herein.

11 2. As set forth in my October 3, 2017 declaration in support of Plaintiffs’
12 motion for class certification (D.E. 62-41), I have been involved in this case from
13 its inception. I have stayed informed about the litigation, and actively participated
14 in it through continuing telephone conferences and correspondence with Mr. Teel
15 and the other Class Counsel; reviewing pleadings, documents, and material filings
16 and orders entered by the Court; locating, reviewing, and providing documents and
17 responding to interrogatories and discovery requests; providing input regarding
18 litigation and settlement strategy; discussing the parameters for an appropriate
19 resolution of the case; and ultimately reviewing, approving, and agreeing to the
20 terms and conditions of the settlement agreement.

21 3. I also attended two mediations in person with the Judge Papas, one on
22 October 3, 2018 and one on August 16, 2019, for approximately eight hours each.
23 Travel time from my home in Logan Heights to downtown San Diego is
24 approximately half an hour each way. The two mediations accordingly consumed
25 roughly 18 hours of my time.

26 4. I have read Mr. Teel’s declaration filed concurrently herewith and agree
27 with his time entries reflecting approximately 3.3 hours of in person meetings, 8.9
28 hours of telephone conferences between us, and 3.1 hours exchanging

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1 correspondence in the course of this litigation. In addition, I estimate I spent at least
2 four hours locating, reviewing, and providing documents in order to try to respond
3 to Defendant’s discovery requests.

4 5. In addition to the foregoing time directly spent on prosecuting and
5 settling this case, I have been exposed to reputational harm which I believe directly
6 resulted from the risks associated with serving as a representative for the Class.
7 When I completed my detention in May 2016, I began having regular meetings with
8 my probation officer.

9 6. Shortly after this case was filed in May 17, 2016, my probation officer
10 and I discussed my involvement in the case as the lead plaintiff. She appeared
11 displeased and visibly angered by my involvement in the case. and over the course
12 of the next few months the subject of this case seemed to be a sore spot for her.
13 From the first time I mentioned my involvement in the case, it seemed like I never
14 had a fair chance to overcome her negative feelings.

15 7. I became concerned about some sort of retribution or retaliatory action
16 when at one point in our discussions she stated to me that she was “not resting until
17 she sees me in prison.” I live with my mother in the Logan Heights neighborhood
18 of San Diego and there is a lot of gang activity in the area. As a result, the gang
19 task force of the San Diego Police Department is often present in my neighborhood.

20 8. I became even more alarmed and concerned when I learned in 2017 that
21 my probation officer had been showing my picture around the neighborhood and
22 asking whether anyone had any information about my involvement in any illegal
23 behavior. Eventually things got so bad that my attorney had the probation officer
24 removed from my case and I successfully completed my probation in 2019.

25 9. It is not an exaggeration to say I literally lost sleep over the concerns
26 about my involvement in the case during my probation. There is no keeping my
27 involvement secret in this post-Google internet era. I find it difficult to put a price
28 on my worry and concern over the prospect that my probation officer actually would

1 try to make good on her threat not to rest until she sees me in prison, but I believe
2 it exceeds \$20,000.

3 10. I have also read Mr. Elliott’s and Mr. Tiscareno’s declarations filed
4 concurrently herewith, and like them, I made the decision to become involved in
5 this action because I believe the recording of attorney-client communications
6 wrong. I too think this is an important issue and wanted to help address this. And
7 I too believe I have fulfilled the obligation I felt to do that.

8 11. Like the other Plaintiffs, I authorized Class Counsel to settle this action
9 after weighing the benefits to the Class against the risks and uncertainties of
10 continuing the litigation. I discussed those issues with Class counsel, and I believe
11 the settlement represents a very good outcome in the best interest of the Class and
12 everyone involved.

13 12. I feel certain the settlement would not have been achieved without the
14 efforts of the attorneys who fought for the Class in this case. I believe the settlement
15 is fair and should be approved by the Court. While I understand that the amount of
16 costs, incentive awards, and attorneys’ fees is ultimately for the Court to decide, I
17 approve the request for recovery of these amounts for litigating this case up to a
18 total of \$900,000.

19 13. I estimate this case has consumed approximately 37.3 hours of my time.
20 In order to settle this case, I was required to provide a release all claims against the
21 Defendant, including not only for statutory damages under the California Invasion
22 of Privacy Act (“CIPA”), but also a general release of all other claims against the
23 Defendant. While I and the other Plaintiffs agreed to give the required general
24 releases, I would not have approved and entered into the settlement on behalf of the
25 142,314 similarly situated individuals involved in this case if their releases had also
26 been required.

27 14. I’m not sure how to value the general release of my claims over and
28 above the statutory \$5,000 per phone call CIPA damages in light of the reputational

1 harm and my concern over my probation officer's statements and threats, but the
2 prospect of being falsely accused and sent to prison was frightening. Based on the
3 foregoing time and work done on the case and reputation risk and harm undertaken,
4 I respectfully request the amount of \$20,000 as an incentive award for serving as
5 the Class representative in the prosecution of this case.

6 15. I did not become involved in this action to obtain any special benefit,
7 nor has any such benefit ever been promised to me. I have not received, been
8 promised nor offered, nor will I accept, any form of compensation, directly or
9 indirectly, for prosecuting or for serving as a party and class representative in this
10 action except for such fees, costs, or other payments as the Court expressly approves
11 to be paid or reimbursed to me or on my behalf.

12 I declare under penalty of perjury that the foregoing is true and correct.

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15 DATED: August 13, 2020



16 Juan Romero

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