

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALEJANDRO MORALES, *on behalf of
himself and those similarly situated,*

Plaintiff,

vs.

HEALTHCARE REVENUE
RECOVERY GROUP, LLC and JOHN
DOES 1 to 10,

Defendants.

Civil Action No.
2:15-cv-08401-JBC

**DECLARATION OF YONGMOON
KIM IN SUPPORT OF PLAINTIFF'S
MOTION FOR CLASS
CERTIFICATION**

I, YONGMOON KIM, of full age, hereby declares as follows:

1. I am an attorney at law, admitted before the bar of this Court, representing Plaintiff and proposed class representative Alejandro Morales in this matter. As such, I have personal knowledge of the facts stated herein.

2. I make this Declaration in support of Plaintiff's Motion for Class Certification in this matter.

Procedural History

3. On December 12, 2015, Plaintiff filed his Class Action Complaint (ECF No. 1).

4. On January 20, 2016, Defendant moved to dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6). (ECF No. 4).

5. Plaintiff opposed said motion. (ECF No. 7).

6. On August 4, 2016, the Court issued an Order terminating Defendant's Motion to Dismiss with the right to re-file its motion. (ECF No. 21).

7. Defendant filed a second Motion to Dismiss on August 11, 2016 (ECF No. 22), which Plaintiff opposed (ECF No. 24).

8. On February 7, 2017, the Court administratively terminated Defendant's motion due to new caselaw from the Third Circuit Court of Appeals (ECF No. 42).

9. On February 22, 2017, Defendant filed an Answer to Plaintiff's Complaint denying all wrongdoing. (ECF No. 46).

10. On November 16, 2017, Defendant filed a Motion for Summary Judgment. (ECF No. 66).

11. On January 29, 2018, the Court issued an Order administratively terminating Defendant's Motion for Summary Judgment. (ECF No. 79).

12. On January 30, 2018, Defendant refiled its Motion for Summary Judgment. (ECF No. 80).

13. On July 19, 2018, the Court issued an Order denying Defendant's Motion for Summary Judgment without Prejudice (ECF No. 97).

14. On January 9, 2019, Defendant filed a renewed Motion for Summary Judgment. (ECF No. 114).

15. On July 24, 2019, the Court entered an Order granting Defendant's Motion for Summary Judgment and dismissing Plaintiff's Complaint without prejudice for lack of standing. (ECF No. 122).

16. On August 21, 2019, Plaintiff filed a Motion for Reconsideration and a Motion to Alter or Amend the Judgment. (ECF No. 123).

17. On March 16, 2020, the Court entered an Order denying Plaintiff's Motion for Reconsideration. (ECF No. 140).

18. On April 15, 2020, Plaintiff filed a Notice of Appeal to the United States Court of Appeals for the Third Circuit. (ECF No. 142). That same day, Plaintiff filed an Amended Notice of Appeal. (ECF No. 143).

19. On August 13, 2021, the United States Court of Appeals for the Third Circuit issued an Opinion reversing the District Court's Orders entered on July 24, 2019, and March 16, 2020, and remanded the action to District Court for further proceedings (*Morales v. Healthcare Revenue Recovery Grp., LLC*, 859 F. App'x 625 (3d Cir. 2021)). (ECF No. 146).

20. On December 19, 2022, Defendant filed a Motion for Summary Judgment for the third time (ECF No. 189) and Plaintiff filed his Motion for Class Certification (ECF No. 192).

21. After both motions were fully briefed, on September 20, 2023, this District Court denied Defendant's motion for summary judgment and granted

Plaintiff's motion for class certification (ECF No. 227). In that Order, the Court ordered the parties to submit a consent order approving the form and method for notice to the Class, or to file a motion for approval as to the form and method of notice to the Class if the parties' meet and confer efforts were unsuccessful.

22. Thereafter, on October 23, 2023, the parties appeared for a status telephonic conference where Defendant advised the Court that they are in the process of investigating and recalculating the class size of 6,187. The Court issued a Letter Order that same day ordering the parties to meet and confer to resolve the class size issue and scheduled the next teleconference for January 4, 2024 (ECF No. 230).

23. Since the October 23, 2023 teleconference, the parties continued their settlement discussions and made significant progress. Therefore, on November 2, 2023, the parties submitted a joint letter seeking to extend the deadline for submitting the class notice as that would no longer be necessary if the parties are able to finalize a class settlement agreement (ECF No. 231). The Court granted the parties' request for an extension of time until the January 4, 2024 teleconference (ECF No. 232). On December 28, 2023, the Court adjourned the January 4, 2024 teleconference to January 8, 2024 sua sponte (ECF No. 233).

24. With respect to outstanding discovery disputes, the parties filed a joint status letter on December 29, 2023 (ECF No. 234), outlining the existing

discovery dispute that was raised in Plaintiff's September 11, 2023 discovery dispute letter (ECF No. 224) regarding the issues related to the account notes that were to be addressed during class discovery.

25. On January 8, 2024, the parties appeared for the teleconference, where the parties advised the current status of discovery and Defendant's efforts to compile the updated class list. Pursuant to the call, the Court Ordered the parties to work on finalizing the agreed upon class list by March 15, 2024 and scheduled the next teleconference for March 27, 2024 (ECF No. 235).

26. On March 14, 2024, Plaintiff submitted a letter requesting a three-week extension to finalize the class list as Plaintiff needed additional time to analyze the class data received on March 6, 2024 (ECF No. 236). In light of Plaintiff's request for an extension, Plaintiff also requested that the March 27, 2024 be adjourned to a date after April 5, 2024 (ECF No. 236). The next day, the Court granted Plaintiff's request and adjourned the March 27, 2024 status conference to April 10, 2024 (ECF No. 237).

27. On April 5, 2024, Plaintiff submitted a letter informing the Court that Plaintiff had completed analyzing the data however, requested an extension to May 10, 2024, to allow the parties to explore the terms of a possible class settlement, and also requested that the April 10, 2024 teleconference be adjourned.

On April 8, 2024, the Court granted Plaintiff's request and also adjourned the April 10, 2024 teleconference to May 13, 2024 (ECF No. 239).

28. The parties appeared for the May 13, 2024 teleconference where Defendant raised their wish to modify the class definition to narrow the class size. That same day, the Court entered an Order advising Defendant to submit a letter to Judge Padin describing the motion that they wish to file regarding the modification of the class definition, and also scheduled the next teleconference for June 20, 2024 (ECF No. 240).

29. On May 16, 2024, pursuant to the Court's directive, Defendant filed a letter to Judge Padin explaining their request to modify the class definition so that the class size could be amended to align with the pretrial discovery in this case which would bring the class size down from 49,427 to 7,916.

30. On July 10, 2024, Judge Padin entered a Text Order (ECF No. 244) denying Defendant's request to modify the class definition.

31. Thereafter, the parties continued their efforts to finalize the class settlement agreement.

32. On September 23, 2024, the parties appeared for a teleconference, pursuant to which the parties were ordered to file the motion for preliminary approval by November 15, 2024, and also scheduled the next teleconference for November 26, 2024 (ECF No. 245).

33. On November 14, 2024, Defendant filed a letter requesting a three-week extension to file the motion for preliminary approval as Defendant's counsel needed additional time to review the class action settlement agreement (ECF No. 246). The Court granted the extension to December 6, 2024 (ECF No. 247).

34. Thereafter, on December 5, 2024, Defendant filed a letter advising the Court that the attorney who was handling the case had to unexpectedly and abruptly went on medical leave, and therefore requested an extension of 60 days to file the joint preliminary approval motion, and to adjourn the December 18, 2024 teleconference. The Court granted Defendant's request and adjourned the teleconference to February 19, 2025 (ECF No. 250).

35. On January 5, 2025, the current counsel for Defendant, Mitchell Williamson, filed a substitution of counsel (ECF No. 252).

36. On February 3, 2025, Defendant's counsel filed a letter seeking an extension of the February 4, 2025 deadline for the parties to file joint motion and to adjourn the February 19, 2025 teleconference. In response, the Court scheduled a teleconference for February 5, 2025 (ECF No. 254). At that teleconference, the parties advised the Court of the current status of the filing of the joint motion for preliminary approval, after which the Court set a deadline of February 28, 2025 (ECF No. 256).

37. On February 28, 2025, Defendant's counsel filed another letter seeking a final request for extension to March 7, 2025, to obtain signatures of the finalized class action settlement agreement (ECF No. 257). On March 3, 2025, the Court granted the parties' request (ECF No. 258).

38. The parties fully executed the Class Action Settlement Agreement on March 6, 2025. (Attached as **Exhibit A**).

39. Plaintiff now submits this motion for preliminary approval.

Professional Experience & Qualifications

40. **Yongmoon Kim:** I am a member in good standing of the Bars of the State of New Jersey (2011) and State of New York (2012), and the Commonwealth of Pennsylvania (2020). I am also duly admitted to practice before the United States District Courts for the District of New Jersey, the Southern District of New York, the Eastern District of New York, the Northern District of Illinois, the Southern District of Indiana, the Eastern District of Pennsylvania, the United States Court of Appeals for the Third Circuit, and the United States Court of Appeals for the Ninth Circuit.

41. I have extensive experience with cases that encompass the FDCPA and other consumer protection statutes and have FDCPA trial and appellate experience. *See, e.g., Morales v. Healthcare Revenue Recovery Grp., LLC*, 859 F. App'x 625 (3d Cir. 2021) (argued); *Schultz v. Midland Credit Mgmt.*, 905 F.3d 159

(3d Cir. 2018); *Walsh v. Defenders, Inc.*, 894 F.3d 583 (3d Cir. 2018); *Wyche v. Tsarouhis*, 385 F. Supp. 3d 392 (E.D. Pa. 2019), *Thomas v. Youderian*, 232 F. Supp. 3d 656 (D.N.J. 2017); *Hopkins v. LVNV Funding LLC*, No. A-1301-23, __ N.J. Super. __, 2025 N.J. Super. LEXIS 13 (App. Div. Feb. 10, 2025); *Gomez v. Centerpoint Legal Sols.*, No. A-2927-20, 2022 N.J. Super. Unpub. LEXIS 707 (App. Div. Apr. 29, 2022); *Garcia v. Bristlecone Lending, LLC*, No. A-0767-17T1, 2018 N.J. Super. Unpub. LEXIS 2254 (N.J. Super. App. Div. Oct. 15, 2018); *Midland Funding LLC v. Bordeaux*, 147 A.3d 885 (N.J. Super. App. Div. 2016) (holding Midland Funding failed to prove defendant agreed to arbitrate); *New Century Fin. Servs. v. McNamara*, No. A-2556-12, 2014 N.J. Super. Unpub. LEXIS 602 (N.J. Super. App. Div. Jan. 27, 2014) (favorable appellate decision in a FDCPA case involving the Article 2 of the Uniform Commercial Code). *Midland Funding LLC v. Jimenez*, PAS-DC-5600-14 (N.J. Super. Law Div.) (successful FDCPA trial involving contractual choice-of-law and conflict of laws principles).

42. I have presented on consumer law topics or class action topics at:

42.1. *2016 Boardwalk Seminar: Forced Arbitration and the CFPB* – New Jersey Association for Justice;

42.2. *September 29, 2016 Cyber Security & Privacy Law Conference* – New Jersey Institute for Continuing Legal Education;

42.3. *2016 Legal Services of New Jersey Annual Conference*;

42.4. *2017 Consumer Protection Law Update* – New Jersey Institute for Continuing Legal Education;

- 42.5. *2019 Fair Debt Collection Practices Act Conference: Settling Cases and Ethical Considerations* – National Consumer Law Center;
- 42.6. *March 20, 2019 How to Represent Consumer Debtors* – Bergen County Bar Association;
- 42.7. *April 12, 2019 Protecting Consumers: A Practical Seminar for Plaintiffs' Attorneys: Overview of State and Federal Restraints on Debt Collection* – Vermont Association for Justice;
- 42.8. *2019 Boardwalk Seminar: Fair Debt Collection Practices Act Fundamentals* – New Jersey Association for Justice;
- 42.9. *2019 Annual Meeting & Convention: Class Actions - Perspectives on Key Issues* – New Jersey State Bar Association;
- 42.10. *January 17, 2020 Consumer Fraud Act: Fundamentals and Developments* – Bergen County Bar Association;
- 42.11. *February 10, 2020 Class Action Litigation in 2020: What You Need To Know* – New Jersey Institute for Continuing Legal Education;
- 42.12. *February 28, 2020 Consumer Law 101: A Primer to Help Low Income Nevadans in Atypical Consumer Disputes* – Legal Aid Center of Southern Nevada;
- 42.13. *September 21, 2020 Fourth Bi-Annual University of Pretoria International Consumer Law Conference: Debt Collection and Consumer Bankruptcy* – University of Pretoria;
- 42.14. *November 21, 2020 Student Legal Services, Consumer Lawyers' Discussion* – University of Minnesota Student Legal Service Presentation;
- 42.15. *2021 Fair Debt Collections Conference & TCPA Symposium: Ethical Considerations in Client Relations* – National Consumer Law Center;

- 42.16. *2021 Annual Meeting & Convention: A Class Action Update - Federal and New Jersey Developments for 2020-2021* – New Jersey State Bar Association;
- 42.17. *May 26, 2021 COVID-19 & Consumer Protection Laws-A Primer to Representing Individuals in Financial Distress* – Hudson County Bar Association;
- 42.18. *2021 Boardwalk Seminar: Ethical Issues In Class Actions – Contacting Class members pre and post Class Certification* – New Jersey Association for Justice;
- 42.19. *2021 Consumer Rights Litigation Conference: Using Violations of Mortgage Servicing Rules without Private Rights of Action as Predicates for FDCPA and UDAP Claims* – National Consumer Law Center;
- 42.20. *March 16, 2022 How to Represent Consumer Debtors* – Bergen County Bar Association;
- 42.21. *March 23, 2022 Introduction to Class Actions in State & Federal Courts* – Bergen County Bar Association;
- 42.22. *April 13, 2022 Mortgages, RESPA, TILA and more* – Bergen County Bar Association;
- 42.23. *April 19, 2022 Complying with the Fair Debt Collection Practices Act* – New Jersey State Bar Association;
- 42.24. *June 22, 2022 Overview of State and Federal Restraints on Debt Collection* – 2022 Florida Bar Annual Convention;
- 42.25. *April 20, 2023 Consumer Law 101* – Bergen County Bar Association, Northeast New Jersey Legal Services (NNJLS) & Law Zebra;
- 42.26. *April 21, 2023 Deposition and Trial Skills* – Northeast New Jersey Legal Services & Law Zebra;
- 42.27. *2023 Spring Training FDCPA Track: Dealing with Challenges associated with Medical Debt* - National Association of Consumer Advocates (NACA) & National Consumer Law Center (NCLC);

42.28. *2023 Annual Meeting, Representing Consumer Debtors* – New Jersey State Bar Association;

42.29. *September 14, 2023 Emerging Issues in Consumer Protection Law* – New Jersey State Bar Association;

42.30. *2023 Annual Meeting and Convention: Representing Consumer Debtors* – New Jersey State Bar Association;

42.31. *February 6, 2024 Consumer Litigation in State Court* – Bergen County Bar Association (BCBA);

42.32. *March 26, 2024 Consumer Law* – New Jersey State Bar Association

42.33. *2024 Annual Meeting, Housing Litigation Trends* – New Jersey State Bar Association;

42.34. *August 9, 2024 Representing the Pro Bono Client: Consumer Law Basics 2024* – Practising Law Institute; and

42.35. *September 30, 2024 Attorney Fee Shifting - A Comprehensive Guide* – New Jersey State Bar Association.

43. I serve as Chair of the Consumer Protection Law Committee of the New Jersey State Bar Association (“NJSBA”), where we advocate on behalf of consumers as to legislation pending in the State of New Jersey. I am also a member of the Class Action Committee of the NJSBA.

44. I am also a member of the Federal Practice Committee and the Civil Practice Committee, serve as the Chair of the Consumer Law Committee of the Bergen County Bar Association (“BCBA”).

45. Additionally, I am a Barrister of the Justice Morris Pashman American Inn of Court.

46. I also serve as President of the Board of Directors of the Consumers League of New Jersey (“CLNJ”), a non-profit, membership organization founded in 1900 that educates and advocates on behalf of consumers. *See* Suzanne Nussbaum & James Boskey, *The Consumers League of New Jersey and the Development of Occupational Disease Legislation*, 4 Seton Hall Legis. J. 101 (1979).

47. I have written briefs and argued on behalf of *Amici Curiae* CLNJ¹ and the National Association of Consumer Advocates² (“NACA”) as to important

¹ The CLNJ has been granted the status of amicus curiae in many cases. The N.J. Supreme Court agreed with the arguments advanced by CLNJ in *D’Agostino v. Maldonado*, 216 N.J. 168 (2013); *Shelton v. Restaurant.com, Inc.*, 214 N.J. 419 (2013); and *Walker v. Giuffre*, 209 N.J. 124 (2012). In *Bosland v. Warnock Dodge, Inc.*, 197 N.J. 543 (2009), the N.J. Supreme Court held that there is no requirement of a pre-suit notification before a consumer sues under the N.J. Consumer Fraud Act. In *Perez v. Rent-a-Center*, 186 N.J. 188 (2006), the N.J. Supreme Court agreed with the League’s amicus brief that rent-to-own stores were subject to New Jersey’s 30% criminal usury law, N.J.S.A. 2C:21-19, and the New Jersey Retail Installment Sales Act. The League has been also been granted amicus participation in *Muhammad v. County Bank of Rehoboth Beach*, 189 N.J. 1 (2006); *MetLife Capital Corp. v. Washington Avenue Associates L.P.*, 159 N.J. 484 (1999); *Perth Amboy Ironworks, Inc. v. American Home Assurance Co.*, 118 N.J. 249 (1990); 49 *Prospect Street Tenants Ass’n v. Sheva Gardens*, 227 N.J. Super. 449 (App. Div. 1988); and *Green v. Continental Rentals, Inc.*, 292 N.J. Super. 241 (Law Div. 1994).

² NACA has been granted the status of amicus curiae in numerous cases—too many to list here—including the landmark FDCPA case *Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich, L.P.A.*, where Justice Sotomayor agreed with the arguments advanced by NACA, et al. 559 U.S. 573, 602 (2010). NACA has also

FDCPA appeals, before the Superior Court of New Jersey, Appellate Division. *See Midland Funding LLC v. Thiel*, 143 A.3d 72 (N.J. Super. App. Div. 2016).

48. Until the committee concluded in 2022, I represented the CLNJ on the Special Civil Part Practice Committee of the New Jersey Supreme Court. As a member of the Special Civil Part Practice Committee, I participated in the proposal of and amendments to the New Jersey Court Rules governing the Special Civil Part, where majority of debt collection lawsuits affecting New Jersey consumers are filed.

49. I also dedicate significant resources by providing *pro bono* services to indigent clients in New Jersey; contributing over thousands of pro bono hours. I have been recognized for his *pro bono* contributions and have received a 2017, 2019, 2023 and a 2024 Equal Justice Medal from the Legal Services of New Jersey, and a 2019 Champions of Justice Award from Northeast New Jersey Legal Services.

50. I have been certified as Class Counsel in the following matters:

advocated on behalf of consumers in New Jersey. *See Lee v. Carter-Reed Co.*, 203 N.J. 496 (2010) (holding class action certification should have been granted); *Delta Funding Corp. v. Harris*, 189 N.J. 28 (2006); *Muhammad v. Cnty. Bank of Rehoboth Beach*, 189 N.J. 1 (2006) (class-wide arbitration ban unconscionable and unenforceable); *Metlife Capital Fin. Corp. v. Wash. Ave. Assocs. L.P.*, 159 N.J. 484 (1999).

- 50.1. *Rufo v. Alpha Recovery Corp. et al*, 2:15-cv-00865-CLW (D.N.J.);
- 50.2. *Maldonado v. Raymond Meisenbacher & Sons, Esqs., P.C., et al*, 3:15-cv-01845-DEA (D.N.J.);
- 50.3. *Maldonado v. Nelson, Watson & Associates, LLC, et al*, 2:15-cv-05940-MAH (D.N.J.);
- 50.4. *Sandoval v. LVNV Funding LLC, et al*, 2:15-cv-06728-KM-MAH (D.N.J.);
- 50.5. *Chung v. CCB Credit Services, Inc., et al*, 2:15-cv-05198-KM-MAH (D.N.J.);
- 50.6. *Feliciano, et al. v. Forster Garbus & Garbus*, 2:15-cv-02496-CLW (D.N.J.);
- 50.7. *Maldonado et al v. Law Offices of Faloni & Associates, LLC, et al*, 2:15-cv-02859-CLW (D.N.J.);
- 50.8. *Dickon v. Rubin & Rothman, LLC, et al*, 2:15-cv-07961-SCM (D.N.J.);
- 50.9. *Chung v. Northland Group, Inc., et al.*, 2:15-cv-06246-SCM (D.N.J.);
- 50.10. *Chung v. Alliance One Receivables Management, Inc., et al.*, 2:15-cv-02905-MCA-LDW (D.N.J.);
- 50.11. *Thomas v. ARS National Services, Inc., et al.*, 2:15-cv-03635-JAD (D.N.J.);
- 50.12. *Ballaj v. Gatestone & Co. International Inc., et al.*, 2:16-cv-01311-CLW (D.N.J.);
- 50.13. *Santiago v. Northland Group, Inc., et al.*, 2:15-cv-03608-CLW (D.N.J.);
- 50.14. *Heerema v. Afni, Inc., et al.*, 2:16-cv-00244-JBC (D.N.J.);

- 50.15. *Kang, et al. v. Nationwide Credit, Inc., et al.*, 2:15-cv-03251-LDW (D.N.J.);
- 50.16. *Park, et al. v. United Collection Bureau, Inc.*, 2:15-cv-01306-CLW (D.N.J.);
- 50.17. *Watkins v. Pressler & Pressler LLP*, 2:16-cv-00119-MCA-LDW (D.N.J.);
- 50.18. *Amonoo, et al. v. Firstsource Advantage, LLC*, 2:16-cv-01601-SCM (D.N.J.);
- 50.19. *Diaz, et al. v. Collecto, Inc.*, 2:16-cv-02087-MF (D.N.J.);
- 50.20. *Robinson v. Escallate, LLC, et al.*, 2:16-cv-01174-MAH (D.N.J.);
- 50.21. *Gibson, et al. v. Javitch Block, LLC*, 2:18-cv-00320-MJD-RLM (S.D. Ind.);
- 50.22. *Thomas v. John A. Youderian Jr., LLC, et al.*, 2:16-cv-01408-MAH (D.N.J.);
- 50.23. *In re LVNV Funding LLC Fair Debt Collection Practices Act Litigation*, 2:16-cv-01117-SDW-SCM (D.N.J.);
- 50.24. *Browne v. Cavalry Portfolio Services LLC*, 2:15-cv-06005-JAD (D.N.J.);
- 50.25. *Latteri v. James Mayer*, 2:17-cv-13707-JAD (D.N.J.);
- 50.26. *Twyman, et al. v. Retail Recovery Service of NJ, Inc. et al.*, 2:16-cv-02910-SCM (D.N.J.);
- 50.27. *Santiago v. Apothaker Scian P.C. et al.*, 2:16-cv-01432-SCM (D.N.J.);
- 50.28. *Filgueiras v. Portfolio Recovery Associates LLC*, ESX-L-6277-18 (N.J. Super. Ct. Law Div.);
- 50.29. *Schultz v. Midland Credit Management, Inc., et al.*, 2:16-cv-04415-MCA-ESK (D.N.J.);

- 50.30. *Pritchard v. Second Round Sub LLC, et al.*, 2:17-cv-06334-MAH (D.N.J.);
- 50.31. *Browne v. Capital One Bank (USA), N.A., et al.*, MID-L-5583-15 (N.J. Super. Ct. Law Div.);
- 50.32. *Rodriguez-Ocasio, et al. v. Law Offices of Joseph A. Molinaro, L.L.C., et al.*, BER-L-6650-17 (N.J. Super. Ct. Law Div.) (formerly 2:17-cv-11926-SDW-SCM);
- 50.33. *Francavilla, et al. v. Asset Acceptance LLC, Forster, et al.*, 2:16-cv-01665-JBC (D.N.J.);
- 50.34. *Hopkins v. Advanced Call Center Technologies, LLC, et al.*, 2:20-cv-06733-AME (D.N.J.);
- 50.35. *Church, et al. v. Collection Bureau of the Hudson Valley, Inc., et al.*, 2:20-cv-03172-SDW-LDW (D.N.J.);
- 50.36. *Morales v. Healthcare Revenue Recovery Group, LLC, et al.*, 2:15-cv-08401-EP-JBC (D.N.J.);
- 50.37. *Yun, et al. v. Hawthorne Gardens/Lodi, LLC*, PAS-L-551-21 (N.J. Super. Ct. Law Div.);
- 50.38. *Zeccardi v Fein, Such, Kahn & Shepard, P.C., et al.*, 2:18-cv-00600-MAH (D.N.J.);
- 50.39. *Schultz Jr. v. Credit Control, LLC, et al.*, 2:18-cv-03474-CLW (D.N.J.);
- 50.40. *Rodriguez-Ocasio. v. I.C. System, Inc., et al.*, HUD-L-2761-22 (N.J. Super. Ct. Law Div.);
- 50.41. *Lahu v. I.C. System, Inc., et al.*, HUD-L-2760-22 (N.J. Super. Ct. Law Div.); and
- 50.42. *Church v. J Ritter Law P.C., et al.*, 3:23-cv-01709-RLS (D.N.J.).

51. **Mark Jensen** is a member in good standing of the Bar of the State of

New Jersey (2022) and is duly admitted to practice before the United States District Court for the District of New Jersey and the United States Court of Appeals for the Third Circuit. He is a former clinical psychotherapist and began his career by serving underrepresented communities through non-profit organizations such as Catholic Charities, Youth Consultation Services, the Puerto Rican Action Board, School Based Youth Services, Legal Services of New Jersey, Legal Services of the Hudson Valley, and the Bergen County Office of the Public Defender.

52. He received his M.S.W., Cum Laude, from Rutgers University and his J.D. from the Elisabeth Haub School of Law at Pace University. During his time at the Elisabeth Haub School of Law, he developed his skills as a litigator through National Trial and Appellate Advocacy Teams, as well as a judicial internship in Bergen County Superior Court.

53. He is a member of the New Jersey State Bar Association, the American Bar Association, and the NJSBA Consumer Protection Law Committee. He concentrates his practice on class action litigation involving the Consumer Fraud Act, Fair Debt Collection Practices Act, and other consumer protection statutes.

54. Mr. Jensen has also been certified as Class Counsel in *Church v. J Ritter Law P.C.*, 3:23-cv-01709-RLS (D.N.J.); and *Yun, et al. v. Hawthorne*

Gardens/Lodi, LLC, PAS-L-551-21 (N.J. Super. Ct. Law Div.).

55. **Eliyahu D. Kaweblum** is a member in good standing of the Bar of the State of New Jersey (2022) and is duly admitted to practice before the United States District Court for the District of New Jersey. After law school, he clerked for the Honorable Thomas Daniel McCloskey, J.S.C., Middlesex County Superior Court, Chancery Division – General Equity. Since joining Kim Law Firm LLC, Mr. Kaweblum focuses his practice on representing plaintiffs in individual and class action litigation involving the Fair Debt Collection Practices Act and various state and federal consumer protection statutes.

56. The attorneys involved have been and will continue to be directly involved in this matter, including the investigation of claims, drafting, reviewing and editing the pleadings and briefs, discovery, legal research, motion and discovery practice, settlement negotiations and many other aspects of the litigation. We are experienced in handling complex litigation such as this matter.

57. The law firm and attorneys involved in this matter are experienced in cases involving complex litigation issues concerning consumer protection statutes—including the FDCPA, the New Jersey Consumer Fraud Act, the Truth-in-Consumer Contract, Warranty and Notice Act, the Telephone Consumer Protection Act, Federal Consumer Leasing Act, and the New Jersey Consumer Protection Leasing Act—and the complex issues related to litigating class action

cases.

58. The law firm and attorneys involved in this matter are experienced with the complex issues of obtaining class certification, obtaining and verifying information related to class members, supervising and monitoring class notice to class members, negotiating complex class action settlements, obtaining court approval of class action settlements and implementing, monitoring and supervising the class action settlements after preliminary and final approval of class action settlements. The attorneys involved have been and will continue to be personally involved in this matter, including the investigation of claims, drafting, reviewing and editing the pleadings and briefs, discovery, legal research, motion practice, settlement negotiations and many other aspects of the litigation.

Additional Facts in Support of Plaintiff's Motion for Class Certification

59. The firm has had a professional relationship with the Plaintiff. Plaintiff participated in the pleading and litigation process, including by consulting and retaining competent counsel to prosecute his individual and class claims, participating in discovery and providing discovery information, and testifying in a deposition.

60. I personally evaluated the facts related to Plaintiff's claims and determined that the instant claims under the FDCPA's prohibition of unfair conduct are the best and strongest claims for Plaintiff and the class.

61. Plaintiff understands his responsibility as a class representative. It is highly unlikely that this litigation would have continued for as long as it has if the case proceeded on an individual basis. Plaintiff is willing to participate further including testifying at trial if necessary.

62. The law firm and the attorneys involved have devoted all the time and resources necessary to litigate this case to date and will continue to commit the time and resources necessary until the case is finally resolved. Our office has more than adequate resources to prosecute this case, including several attorneys, sufficient support staff experienced in communicating with class members, multiple telephone lines for handling communications or questions from class members, and a record of successfully completed class actions.

63. The law firm intends to vigorously represent the interests of the putative class. We are not aware of any possible conflicts of interest between the named Plaintiff and Plaintiff's counsel, or members of the putative class.

64. Litigation and discovery have revealed that there are 49,252 persons, excluding Plaintiff, who meet the Class definition.

65. I am unaware of any lawsuits brought by the proposed class members alleging the same claims brought in the present case.

In accordance with 28 U.S.C. § 1746, I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 7, 2025

KIM LAW FIRM LLC

s/Yongmoon Kim
Yongmoon Kim