

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WORCESTER DIVISION**

JOHN HEATON and CHRISTOPHER
HORIGAN on behalf of themselves and
others similarly situated,

Plaintiff,

v.

MOTOR VEHICLE ASSURANCE,
NATIONAL AUTO PROTECTION
CORP., and SUNPATH, LTD.

Defendants.

Case No. 4:17-cv-40169-TSH

**DECLARATION OF ALEX M. WASHKOWITZ IN SUPPORT OF MOTION FOR
ATTORNEYS’ FEES, EXPENSES AND INCENTIVE AWARD**

1. I make this affidavit in support of Plaintiff’s Motion for Attorneys’ Fees, Expenses and Incentive Award, to describe the work done in investigating and prosecuting the claims in the case, to state my opinion that the settlement represents an excellent result for the Settlement Class and that Plaintiff’s motion for attorneys’ fees, expenses and incentive award should be granted.

2. I am an attorney duly admitted to practice in the Commonwealth of Massachusetts, I am over 18 years of age, am competent to testify and make this affidavit on personal knowledge.

Work Done in Investigating and Prosecuting the Case

3. Plaintiffs filed this action on December 18, 2017.

4. Along with my co-counsel, I was appointed as Class Counsel by the Court on June 16, 2019. Dkt. 115, *Memorandum and Order Certifying Class*.

5. I was involved in every stage of representing Plaintiff in this case, from pre-trial investigation, analysis of Plaintiff's potential claims, drafting and researching the complaint and discovery work, review of documents, discovery responses, depositions, and preparation for trial. I also participated in strategy discussions and client management.

6. The litigation was hard fought throughout, with both defendants represented by experienced and capable counsel. Plaintiff successfully opposed multiple motions to dismiss and filed an amended complaint.

7. In light of significant legal issues facing Plaintiff, I believe the settlement here represents a good result for the class based upon my experience in TCPA cases.

8. My firm's expenses in this action to date are \$1,044.00 incurred on deposition logistics and transcript fees.

9. My firm spent 46 hours at a billable rate of \$375 per hour.

Qualifications of Counsel

10. I have experience in the prosecution of claims under the Telephone Consumer Protection Act, 47 U.S.C. §227. ("TCPA"). As a result of my experience litigating TCPA claims, I am well-aware of the significant time and resources needed to litigate such actions, and my firm possesses the resources necessary to prosecute these actions successfully. My firm keeps contemporaneous time records, and the rates for our attorneys and personnel are commensurate with my experience and are commensurate with market rates in Boston for attorneys with similar levels of experience.

11. I am a 1999 honors graduate of Suffolk University Law School. Following graduation from law school, I have been employed as a full time Federal Law Enforcement Officer with the United States Government.

12. In August 2014, I co-founded the firm of CW Law Group, PC, focusing approximately one half of our practice on the representation of consumers for claims including the TCPA, and working with other more experienced firms in consumer class litigation.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE SIGNED UNDER PENALTY OF PERJURY OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT EXECUTED THIS THIS 27th DAY OF FEBRUARY 2020 IN THE COMMONWEALTH OF MASSACHUSETTS.

/s/ Alex M. Washkowitz
Alex M. Washkowitz