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12 **IN THE UNITED STATES DISTRICT COURT**

13 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

14 IN RE: MIDLAND CREDIT
15 MANAGEMENT, INC.,
16 TELEPHONE CONSUMER
17 PROTECTION ACT LITIGATION

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Case No. 11-md-2286-MMA (MDD)
Member Cases: 10-cv-02261
10-cv-02600
10-cv-02368
10-cv-02370

CLASS ACTION

DECLARATION OF
JOHN W. DAVIS; REQUEST TO
WITHDRAW OBJECTION OF
STEVEN F. HELFAND

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1 I, John W. Davis, affirm the following:

- 2 1. I am counsel for class member Steven Helfand in this action. I am licensed
3 to practice law in California and this Court. If called as a witness, I would
4 competently testify to the matters herein from personal knowledge.
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6 2. On or about April 9, 2016, Mr. Helfand (“Objector” or “Helfand”) timely
7 filed his Objection to the Settlement. Objector raised concerns regarding the
8 nature of debt being released as a condition of settlement, and whether the
9 debt “credits” would be properly reported to the credit reporting agencies
10 (“CRAs”)
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13 3. I have spoken with Plaintiffs’ co-lead counsel Douglas J. Champion regarding
14 concerns my client has about making certain the credits are applied to the
15 class members’ respective accounts and also reported to the CRAs. I
16 discussed these issues with Mr. Champion and he informs me that he spoke
17 with Midland’s counsel Ed Totino about these concerns. He stated to me that
18 Mr. Totino acknowledged that Midland had a duty to apply the credits as part
19 of its obligation under the Settlement and intended to do so. Also, he stated
20 in response to my inquiry that Mr. Totino inquired of Midland about the
21 manner in which Midland reported to the CRAs any payments made on any
22 of Midland’s accounts. Mr. Totino stated that he learned such reports are
23 made on a monthly basis, and the credits applied to the accounts would also
24 be reported to those credit reporting agencies on a monthly basis.
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1 4. In light of my conversations with Class Counsel, I am informed that Midland
2 will apply the credits once the settlement is given final approval, and that
3 Midland intends to notify the CRAs of these credits on a monthly basis. I
4 further understand Midland's counsel will confirm the foregoing on the
5 record at the upcoming fairness hearing.
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8 5. Midland's agreement to confirm on the record that credits issued pursuant to
9 the underlying settlement shall be properly reported to the CRAs
10 substantially resolves Mr. Helfand's objection. Accordingly, in light of, and
11 subject to this representation, Mr. Helfand respectfully requests to withdraw
12 his objection to the proposed settlement.
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16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on September 4, 2016 pursuant to the laws of the United States.
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20 s/ John W. Davis
21 John W. Davis
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CERTIFICATE OF SERVICE

I, John W. Davis, hereby certify that on September 4, 2016 a copy of the foregoing DECLARATION OF JOHN W. DAVIS; REQUEST TO WITHDRAW OBJECTION OF STEVEN F. HELFAND was served on all counsel of record who are registered with the Court’s electronic case filing (ECF) system by operation of the ECF system.

s/ John W. Davis

John W. Davis