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13 *Attorneys for Plaintiff and Class Counsel*

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16

17 DONALD M. LUSNAK, on behalf
of himself and all others similarly
18 situated,

19 Plaintiff,

20 v.

21 BANK OF AMERICA, N.A.; and
DOES 1 through 10, inclusive,

22 Defendant.
23

Case No. 2:14-cv-01855-GHK (AFMx)

**DECLARATION OF DONALD M.
LUSNAK IN SUPPORT OF
PLAINTIFF’S MOTION FOR
ATTORNEYS’ FEES AND COSTS
AND AN INCENTIVE AWARD TO
THE CLASS REPRESENTATIVE**

Date: August 10, 2020
Time: 8:30 a.m.
Judge: Hon. George H. Wu

24 I, Donald M. Lusnak, declare as follows:

25 1. I am the named plaintiff in the above-captioned case entitled *Lusnak v.*
26 *Bank of America, N.A.*, Case No. 2:14-cv-01855-GHK (AFMx). The following facts
27 are within my personal knowledge, and if called upon as a witness, I could and
28 would testify thereto. As such, I make this declaration in support of Plaintiff’s

1 Motion for Attorneys' Fees and Costs and an Incentive Award to the Class
2 Representative.

3 2. I sought to bring this case because I believed Bank of America was not
4 complying with a California law that required the Bank to pay me and other
5 California borrowers interest on the funds it held in escrow accounts associated with
6 our home mortgages.

7 3. Although I knew that the amount of money in question was not a lot, I
8 believed Bank of America was in the wrong and should be held accountable and
9 made to change its practices. So, I retained counsel to bring this action.

10 4. Since I began my investigation into whether Bank of America was
11 obligated to pay me interest on my escrow account, I have spent more than 250
12 hours working on the case without any monetary payment or benefit or any promise
13 of either in the future.

14 5. Over the years, I have participated in various tasks in the case
15 including meeting with counsel, gathering documents and reviewing personal
16 records, conducting research, traveling to make copies, writing letters and making
17 phone calls, reviewing court documents and pleadings, responding to discovery,
18 providing declarations and preparing for and being deposed.

19 6. My interest in the case has not wavered over the years. Although I
20 moved to France in December 2018, I remained committed to pursuing the case and
21 have remained in continuous contact with my counsel through email and by
22 telephone.

23 7. In September 2019, I traveled from my home in France to Washington
24 D.C. in response to Bank of America's notice of my deposition. I met with my
25 counsel and was deposed for a full day by counsel for Bank of America. I was
26 prepared to travel to Los Angeles for trial had the case not settled.

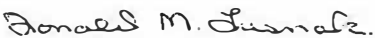
27 8. Although my own losses in the case were small when compared to the
28 overall settlement amount, I believed in this case and have been dedicated and

1 diligent in using my time and energy to benefit the Class. I believe that my efforts
2 in personally choosing to bring this case against long odds and my work on behalf of
3 the class merits the \$10,000 service award requested. I live on a fixed income and it
4 would mean a great deal to me and I would be most appreciative if the Court grants
5 this request.

6 9. I have fully discussed with my attorneys the motion for attorneys' fees
7 and costs, and I support and approve Class Counsel's motion and believe that their
8 work merits the fees and costs requested in the motion.

9
10 I, DONALD M. LUSNAK, do declare under penalty of perjury of the laws of
11 the United States and the State of California, that the foregoing is true and correct.

12 Dated: Verrue, France, this 14 day of May, 2020.

13
14 

15 _____
DONALD M. LUSNAK