

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Etta Scott, *on behalf of herself and all others*
similarly situated,

Plaintiff,

v.

Westlake Services, LLC d/b/a Westlake
Financial Services,

Defendant.

Civil Action No.: 1:12-cv-09289

**DECLARATION OF SERGEI LEMBERG
IN SUPPORT OF PLAINTIFF’S MOTION FOR FINAL JUDGMENT**

I, Sergei Lemberg, declare as follows,

1. I am an attorney duly admitted to practice before the United States District Court, Northern District of Illinois. I am the principal of Lemberg & Associates L.L.C. (“Lemberg”), attorneys of record for plaintiff Etta Scott.

2. I have personal knowledge of the facts set forth herein.

3. Annexed hereto as Exhibit A is a true and accurate copy of the subpoenaed phone records Lemberg obtained from Ms. Scott’s cellular telephone provider, Sprint, based upon Lemberg’s request for records showing all calls made between Ms. Scott’s cellular telephone number, 773-410-4748, and 323-973-7436 or 800-641-6700 between September 2, 2012 and December 31, 2012. The records show that Westlake made 45 separate calls to Scott. The call records list 62 calls, but the following 17, identified by “START_DATE,” are duplicative:
9/25/12 at 12:26:39; 10/17/12 at 9:45:05; 10/17/12 at 9:45:27; 10/17/12 at 9:46:04; 11/10/12 at 9:01:43; 11/10/12 at 9:03:52; 11/10/12 at 9:04:06; 11/10/12 at 9:04:31; 11/10/12 at 9:33:35; 11/12/12 at 18:10:34; 11/12/12 at 18:11:05; 11/12/12 at 18:11:43; 11/12/12 at 18:12:55; 11/12/12

at 18:13:14; 11/12/12 at 18:50:51; 11/16/12 at 10:40:18; and 11/16/12 at 10:42:48.

4. Lemberg provided defense counsel the subpoenaed Sprint phone records and defense counsel has failed to produce any evidence showing that any one of these 45 calls was not dialer-generated.

5. Annexed hereto as Exhibit B is a true and accurate copy of Defendant's Aug. 18, 2010 press release, as located on www.westlakefinancial.com/Pages/PressReleaseAug1018.aspx.

6. Annexed hereto as Exhibit C is a true and accurate copy of the document demands Lemberg emailed to defense counsel on or about July 25, 2013. To date, Defendant has not produced any documents responsive to these demands.

7. The taxable costs for this action include the \$350 fee for filing the complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: September 24, 2013

/s/ Sergei Lemberg

Sergei Lemberg

CERTIFICATE OF SERVICE

I hereby certify that on this, the 24th day of September, 2013, the foregoing (including the attached exhibits) was filed with the Clerk of the Court through the CM/ECF system which sent notice of such filing to the following:

David Luther Hartsell
Susan E. Groh
Brian Patrick O'Meara
McGuireWoods LLP
77 West Wacker Drive
Suite 4400
Chicago, IL 60601-7567

Sergei Lemberg

Sergei Lemberg, Esq.