

**EX. 20 -- DECLARATION OF LAWRENCE J.
LEDERER IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALICIA MARSHALL, *et al.*, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

PRESTAMOS CDFI, LLC,

Defendant.

Civil Action No. 5:21-cv-04337-JMG

**DECLARATION OF LAWRENCE J. LEDERER IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Lawrence J. Lederer, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury under the laws of the United States of America as follows:

1. I am over 18 years old and am competent to make this declaration which I do based on my personal knowledge. I am a partner of Bailey & Glasser LLP, one of the attorneys for the Plaintiffs¹ in this litigation.

2. I submit this declaration in support of Plaintiffs' accompanying motion for class certification.

3. Each of the Plaintiffs has actively participated in this litigation from the time they retained Plaintiffs' counsel. Plaintiffs have also filed a joint declaration describing several of the activities they have undertaken in this litigation to date and attesting to their desire and fitness to serve as class representatives.

4. Plaintiffs' counsel includes Bailey & Glasser, LLP and Nolan Heller Kauffman LLP.

¹ Capitalized terms not otherwise defined in this declaration have the meaning set forth in the Table of Abbreviations in the brief filed in support of Plaintiffs' motion for class certification.

Plaintiffs' counsel have been retained by Plaintiffs on a contingent basis, have paid and advanced the costs of this litigation, and are committed to prosecuting and funding this action through trial and appeal to its ultimate resolution. Plaintiffs' counsel have, among other things, investigated the facts; researched applicable law and PPP regulations; researched, prepared and filed four separate detailed complaints and amended complaints; researched, prepared and filed briefs and other documents in opposition to multiple motions to dismiss filed by defendant Prestamos and its corporate parent CPLC; helped prepare and negotiated the parties' protective order which was approved by the Court (ECF No. 20); prepared and served written discovery requests including separate rounds of requests for production of documents, interrogatories and requests for admission; coordinated with Plaintiffs and responded to Prestamos' requests for production of documents and interrogatories and collected and produced responsive documents, including tax returns and bank account statements for the years 2019-2021 or certifications and verified interrogatory responses as directed by the Court (ECF No. 125 at ¶ 1); reviewed documents produced by Prestamos, CPLC and others and utilized and worked with an outside document database vendor and platform to organize and search the documents produced; prepared and defended Plaintiffs in their depositions by Prestamos; prepared for and deposed Prestamos' proposed experts Jorge Baez and Kenneth Swain as part of Phase I discovery (ECF No. 102 at ¶¶ 2, 4; ECF No. 123 ¶ 1 (c)); issued three subpoenas to nonparties and negotiated with Prestamos and monitored the subpoenas it issued to Prestamos' own LSP Blueacorn, Plaintiffs' banks and others and obtained and reviewed additional documents produced by those nonparties; negotiated with and resolved many discovery disputes without Court intervention such as concerning document requests, interrogatories and the withdrawal of certain "Highly Confidential" designations Prestamos originally made to certain documents produced as part of Phase I discovery; litigated other discovery disputes before the Court that the parties were unable to resolve on their own such as Prestamos' objection on grounds of relevance to producing any SBA Form 1502 reports or PPPLF PAR forms (ECF Nos. 76-78); prepared for and attended hearings and status conferences set by the

Court; coordinated closely with the Plaintiffs and others; fielded many inquiries from putative class members and others seeking to be added as plaintiffs; retained and worked with three highly qualified proposed experts, including two former senior Schedule C-appointed SBA officials who helped oversee PPP lending, William Briggs and William M. Manger, Jr., and an expert in capital markets, Steven P. Feinstein, Ph.D., CFA; worked closely with those three experts each of whom timely submitted written opening and rebuttal reports and defended them at their depositions; reviewed the written opening and rebuttal reports of defendant's proposed expert Kenneth Swain and the rebuttal report only (as he did not submit an opening report) of defendant's additional proposed expert Jorge Baez and deposed both of them; and researched and prepared Plaintiffs' motion for class certification and accompanying papers, including Plaintiffs' Proposed Trial Plan and other documents and engaged in many other activities in this case.

5. We worked closely with our co-counsel, Nolan Heller & Kauffman LLP on many of these tasks. Both my firm and Nolan Heller & Kauffman have extensive experience in commercial and other litigation including involving banks and other financial institutions, and my firm and I are also experienced in class action litigation. A copy of our firm resumes is attached as Exhibits 22-23 to the Appendix in support of Plaintiffs' motion for class certification. Additional information about our firms is set forth in our firm websites. See <https://www.baileyglasser.com/>; <https://nhkllp.com/>. Given our work to date, experience, commitment to this case, and our opinion that but for this litigation Plaintiffs and the class members will likely be deprived of any opportunity for relief for the claims at issue, I believe Plaintiffs' counsel should be appointed counsel for the Classes in accordance with Rule 23(g).

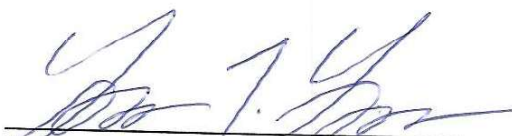
6. The parties stipulated to the dismissal of 11 of the original 21 co-plaintiffs, including seven with the approval of the Court (ECF Nos. 136-137), and four others pending. First, the dismissal of these 11 original plaintiffs has already reduced the size of the proposed

Classes from 17 Class Member States to eight Class Member States; from 11,655 class members to 7,417 class members; from \$194,105,851.00 in total unfunded PPP loan proceeds to \$122,489,761.00; and from \$28,239,301.50 in total fees Prestamos collected on those unfunded loans to \$17,935,811.00. *See* Plas' App'x Ex 27. Second, all of these 11 original plaintiffs were dismissed as part of Phase I discovery, several of whom because of their inability or unwillingness to comply with the discovery burdens of this case. As summarized in an email from just one of them sent just following our request that they produce to us all of their tax returns and bank account statements or certifications regarding how they searched for them covering the years 2019-2021:

“Hello, I am requesting that you guys pull me from this case all together this has been just a painstakingly long process that I have already chalked up as a loss and moved on from. If it were remotely close to when I was forced to close my doors then maybe I would have the strength or willpower to fight on, but I don't. I literally have not one document of any sort of my business or this incident. Now unlike a lot of businesses that got screwed over by them I'm sure feel a different way because they were established or what not but I was literally a start up and failed attempt at a business mainly because of covid but they sure didn't help in the process. If it were my life passion to own a business and it was shot down this way that would be a different story. But it was an idea I tried it and nothing came from it. I have changed fields completely and started school since then and I rather this just be behind me as I have forgotten about it numerous times but it keeps getting brought back to my attention every few months or so with a new email or document that I need to find or bring up to the table and it's just exhausting. So please just withdraw me from this case I am no longer wanting to battle against someone who is going to just find ways to delay and delay when they know they were in the wrongespecially when my amount was so small compared to a lot of people who actually need the fight more than I do.”

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

Executed on this 6th day of September, 2024.


Lawrence J. Lederer