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5 *Attorneys for Plaintiff Angelica Cosio  
and the Certified Class*

6 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

7 **COUNTY OF SAN FRANCISCO**

8 ANGELICA COSIO, an individual, on her  
9 own behalf and on behalf of all others  
similarly situated,

10 Plaintiff,

11 v.

12 INTERNATIONAL PERFORMING  
13 ARTS ACADEMY, LLC, a California  
14 limited liability company, BARBIZON  
15 SCHOOL OF SAN FRANCISCO, INC., a  
16 California corporation, LION  
17 MANAGEMENT GROUP INC., a  
18 California corporation, ANTHONY  
LOUIS LIONETTI, LARRY D.  
LIONETTI, LENA QUESADA  
LIONETTI, LENA M. LIONETTI, and  
DOES 1-100, inclusive,  
Defendants.

No. CGC-16-551337

**DECLARATION OF ETHAN PRESTON**

The Honorable Anne-Christine Massullo  
Department 304  
Civic Center Courthouse  
400 McAllister Street  
San Francisco California 94102

Complaint Filed: April 6, 2016

**DECLARATION OF ETHAN PRESTON**

1            1.        My name is Ethan Preston. I am an attorney at law licensed to practice before all  
2 of the courts of the State of California. I am counsel of record for Plaintiff Angelica Cosio  
3 (“Cosio”), and have personal knowledge of the facts set forth in this declaration and could  
4 competently testify thereto if called to do so, except where noted otherwise.

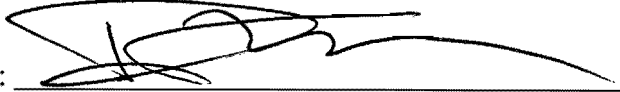
5            2.        Aiman-Smith & Marcy, PC and Preston Law Offices have been appointed class  
6 counsel in this case (“Class Counsel”). Class Counsel support the Court’s approval of the  
7 Agreement based on their experience with the case, familiarity with the discovery, the benefits  
8 available under the settlement compared with inherent risks of any class action litigation, as well  
9 as the specific risks to liability and class certification to this particular case, and the inherent  
10 risks and expenses of any prolonged litigation, trial, appeal, and collection. Based on the  
11 foregoing, Class Counsel believe the Agreement is in the best interests of the class members, that  
12 the terms and conditions of the Agreement are fair, reasonable and adequate, and that the Court  
13 should approve the Agreement.

14           3.        I have been practicing law since I graduated from the Georgetown University Law  
15 Center in 2001, and I have successfully litigated numerous complex consumer actions on behalf  
16 of plaintiffs. Since 2007, essentially all of my law practice has been devoted to litigating class  
17 actions on behalf of consumers. Prior to forming Preston Law Offices in 2009, I was a partner at  
18 KamberEdelson, LLC (now Edelson PC). A true and accurate copy of my firm resume is  
19 attached thereto as Exhibit 1. Since 2009, as the principal of Preston Law Offices, I have acted  
20 independently as lead counsel or co-lead counsel in *Wang v. Asset Acceptance, LLC*, No. 09-  
21 4797 (N.D. Cal. Nov. 17, 2011), *DuFour v. Be, LLC*, No. 09-cv-03770 (N.D. Cal. May 20,  
22 2013), *Holmes v. NCO Financial Services, Inc.*, No. 10-2543 (S.D. Cal. June 23, 2014), *Wang v.*  
23 *Bank of America, N.A.*, No. CGC-12-526452 (Sup. Ct. San Francisco Aug. 8. 2014), *Lofton v.*  
24 *Verizon Wireless (VAW) LLC*, No. 13-05665 (N.D. Cal. Jan. 28, 2016), *Meyer v. PYOD, LLC*,  
25 No. 37-2014-00008110-CU-BT-NC (Sup. Ct. San Diego Jan. 6, 2017), and was appointed co-  
26 lead counsel in the multi-district litigation case, *In re Portfolio Recovery Associates, LLC*  
27  
28

1 Telephone Consumer Protection Act Litigation, No. 11- 2295 (S.D. Cal. June 23, 2016).

2 4. Pursuant to Code of Civil Procedure section 2015.5; I declare under penalty of  
3 perjury under the laws of California that the foregoing is true and correct.

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5 Dated: February 26, 2020

By:   
Ethan Preston

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# EXHIBIT 1

# PRESTON/LAW OFFICES

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(April 2019)

## FIRM RÉSUMÉ

Ethan Preston has represented consumers in class actions since 2007, focusing on consumer privacy and unfair trade practices that relate to consumer technology. Mr. Preston has taken substantial leadership roles in many class actions: he was appointed lead counsel or co-lead counsel for certified classes in *Wang v. Asset Acceptance, LLC*, No. 09-4797 (N.D. Cal. Nov. 17, 2011), *DuFour v. Be, LLC*, No. 09-cv-03770-CRB (N.D. Cal. May 20, 2013), *Holmes v. NCO Financial Services, Inc.*, No. 10-2543 (S.D. Cal. June 23, 2014), *Wang v. Bank of America, N.A.*, No. CGC-12-526452 (Sup. Ct. San Francisco Aug. 8, 2014), *Lofton v. Verizon Wireless (VAW) LLC*, No. 13-05665 (N.D. Cal. Jan. 28, 2016), *Meyer v. PYOD, LLC*, No. 37-2014-00008110-CU-BT-NC (Sup. Ct. San Diego Jan. 6, 2017), *In re Portfolio Recovery Associates, LLC Telephone Consumer Protection Act Litigation*, No. 11-md-02295 (S.D. Cal., Jan. 25, 2017), *Addison v. Monarch & Associates, Inc.*, No. 14-358 (C.D. Cal. June 23, 2017), and *Cosio v. International Performing Arts Academy, LLC*, No. CGC-16-551337 (Sup. Ct. San Francisco Sept. 11, 2018).

Representative rulings obtained by Preston Law Offices include *Kuns v. Ocwen Loan Servicing, LLC*, 611 F. App'x 398 (9th Cir. 2015) (reversing dismissal, creditor violated Cal. Civ. Code § 1785.25(a) by reporting deficiency on residential mortgage foreclosure without disclosing deficiency could not be collected legally); *Holmes v. NCO Financial Services, Inc.*, 538 F. App'x 765 (9th Cir. 2013) (reversing summary judgment because defendant had constructive access to information about plaintiff's dispute of consumer debt); *Meyer v. Portfolio Recovery Associates, LLC*, 707 F.3d 1036 (9th Cir. 2012) (affirming preliminary injunction and class certification under Rule 23(b)(2)); *In re Portfolio Recovery Associates LLC Telephone Consumer Protection Act Litigation*, No. 11-md-02295, 2017 WL 3575615 (S.D. Cal. Jan. 25, 2017) (enjoining litigation against class counsel arising from counsel's representation of class in any other court under All Writs Act, 28 U.S.C. § 1651); *Addison v. Monarch & Associates, Inc.*, No. 14-358, 2016 WL 11530424 (C.D. Cal. Nov. 10, 2016) (compelling third party to produce computer for forensic examination); *Addison v. Monarch & Associates, Inc.*, No. 14-358, 2017 WL 10562596 (C.D. Cal. May 8, 2017), *adopted* 2017 WL 10651455, (C.D. Cal. June 23, 2017) (class certification where defendant spoliated records identifying class members); *In re Collecto, Inc., Telephone Consumer Protection Act Litigation*, No. 14-02513, 2016 WL 552459 (D. Mass. Feb. 10, 2016) (denying

motion for summary judgment on Telephone Consumer Protection Act); *Lofton v. Verizon Wireless (VAW) LLC*, 308 F.R.D. 276 (N.D. Cal. 2015) (granting motions to compel and sanction defendants); *Wang v. Asset Acceptance LLC*, No. 09-04797, 2010 WL 2985503 (N.D. Cal. July 27, 2010) (denying motion to dismiss Fair Credit Reporting Act claim against furnisher); *DuFour v. Be., LLC*, No. 09-3770, 2009 WL 4730897 (N.D. Cal. Dec. 7, 2009) (granting constructive trust as preliminary injunction); *Lofton v. Bank of Am. Corp.*, No. 07-05892, 2008 WL 2037606 (N.D. Cal. May 12, 2008) (granting discovery motions); and *In re Netflix Antitrust Litigation*, 506 F. Supp. 2d 308 (N.D. Cal. 2007) (ruling consumers have standing to bring *Walker Process* antitrust claims, ordering limited discovery on other elements of antitrust claims).

Mr. Preston received his Bachelor of Arts degree from the Plan II program at the University of Texas at Austin, and his *juris doctor* degree from the Georgetown University Law Center in 2001. Mr. Preston is admitted to practice in California and Texas, and is also admitted to practice before the United States District Court in, e.g., the Northern and Eastern Districts of Texas, all Districts in California, as well as the United States Courts of Appeals for the Seventh and Ninth Circuits.

Mr. Preston has authored the following law review articles: *Cross-Border Collaboration by Class Counsel in the U.S. and Ontario*, 4 Canadian Class Action Rev. 164 (2007), *The Global Rise of a Duty to Disclose Information Security Breaches*, 22 J. Marshall J. Computer & Info. L. 457 (2004) (with Paul Turner), *Computer Security Publications: Information Economics, Shifting Liability and the First Amendment*, 24 Whittier L. Rev. 71 (2002) (with John Lofton), and *The USA PATRIOT Act: New Adventures in American Extraterritoriality*, 10 J. Fin. Crime 104 (2002).