

1 ZIMMERMAN REED, LLP
2 CHRISTOPHER P. RIDOUT (SBN 143931)
3 christopher.ridout@zimmreed.com
4 CALEB MARKER (SBN 269721)
5 caleb.marker@zimmreed.com
6 2381 Rosecrans Avenue, Suite 328
7 Manhattan Beach, CA 90245
8 Tel: (877) 500-8780; Fax: (877) 500-8781

6 KRAUSE, KALFAYAN, BENINK &
7 SLAVENS, LLP
8 ERIC J. BENINK (SBN 187434)
9 eric@kkbs-law.com
10 VINCENT D. SLAVENS (SBN 217132)
11 vslavens@kkbs-law.com
12 550 West C Street, Suite 530
13 San Diego, CA 92101
14 Tel: (619) 232-0331; Fax: (619) 232-4019

AHDOOT & WOLFSON, PC
ROBERT R. AHDOOT (SBN 172098)
rahdoot@ahdootwolfson.com
TINA WOLFSON (SBN 174806)
twolfson@ahdootwolfson.com
THEODORE W. MAYA (SBN 223242)
tmaya@ahdoowolfson.com
10728 Lindbrook Drive
Los Angeles, California 90024
Tel: (310) 474-9111; Fax: (310) 474-8585

11 *Attorneys for Plaintiffs*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **FOR THE COUNTY OF LOS ANGELES**

14 PATRICK ECK, TYLER CHAPMAN,
15 BRENDAN EISAN, JUSTIN KRISTOPHER
16 LE-ROY, individually and on behalf of all others
17 similarly situated,

17 Plaintiffs,

18 v.

18 CITY OF LOS ANGELES, THE LOS
19 ANGELES DEPARTMENT OF WATER AND
20 POWER, LOS ANGELES DEPARTMENT OF
21 WATER AND POWER BOARD OF
22 COMMISSIONERS, and DOES 1 through 10,

23 Defendants.

Case No.: BC577028 (Lead)
Consolidated with Case No.: BS153395 &
Case No.: BC583788

*Assigned for all purposes to the
Honorable Ann I. Jones*

**DECLARATION OF CLASS
REPRESENTATIVE PATRICK ECK IN
SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND EXPENSES
AND SERVICE AWARDS**

Date: February 14, 2018
Time: 9:00 a.m.
Dept. 308

Complaint Filed: April 1, 2015

27 I, Patrick Eck, declare as follows:
28

1 1. I am one of the plaintiffs in the above-entitled matter and was provisionally
2 designated by the Court as a class representative. I have personal knowledge of the facts stated
3 below and if called upon, I could and would testify competently thereto. I submit this declaration in
4 support of Plaintiffs' Motion for Final Approval of Class Action Settlement and Motion for
5 Attorney's Fees, Costs, and Service Awards.

6 2. I filed one of the three lawsuits that was later consolidated into this single action. I
7 understood that this lawsuit would likely receive a significant amount of media attention and
8 public interest in light of the significant amount of money at issue. In fact, I understand that this
9 lawsuit has been covered a number of times in the *Los Angeles Times* and in other media outlets. I
10 also understood that my name might be referenced in media accounts and in notices disseminated
11 to class members. Nevertheless, I decided to prosecute this action because I believe it was
12 important to do so.

13 3. I retained Krause Kalfayan Benink & Slavens, LLP and their co-counsel to
14 represent me in this matter. At the outset, I was informed of and understood my duties as a class
15 representative, and believe that I have fulfilled these duties. I stayed informed about major
16 developments in this action and communicated with attorney Eric J. Benink throughout the
17 pendency of this action. I reviewed the complaints filed in this action before they were filed, the
18 proposed settlement agreements, and memoranda prepared by Mr. Benink regarding
19 developments in this case. I also reviewed the settlement website in this action
20 www.lacitytransfersettlement.com.

21 4. I gathered relevant documents in my possession, and gave them to my attorneys.

22 5. I became aware in 2016 that Plaintiffs' Counsel and the City Attorney's Office
23 had undertaken settlement negotiations. Mr. Benink later informed me that the City of Los
24 Angeles had agreed to settle this case. He explained the core terms of settlement and that the
25 parties would be drafting a settlement agreement in the coming months.

26 6. After reviewing the settlement agreement, Mr. Benink and I went over the core
27 terms of the settlement and he answered all of my questions. I conducted a final review of the
28 settlement agreement and later, an amended settlement and signed them.

 7. I understood that, by stepping forward as a named plaintiff in this case, I was
taking certain risks, and that it was likely to generate some publicity and be associated with my

1 name in the future. I also was aware of the negative notoriety associated with being a named
2 plaintiff and class representative, and that stepping forward as a plaintiff in this lawsuit may
3 have a negative impact on certain aspects of my life. Despite these risks, I decided to pursue this
4 case against the City of Los Angeles because I felt it was more important to vindicate the rights
5 of my fellow Los Angeles residents.

6 8. I believe that a \$5,000 incentive award as permitted by the Settlement Agreement
7 and requested in Plaintiffs' Motion for Attorney's Fees and Expenses and Service Awards is fair
8 compensation for my services as class representative in this case.

9 9. Plaintiffs' Counsel assisted me and DWP electric ratepayers by prosecuting this
10 action. I am satisfied with their representation of the Class. I believe that the Settlement in this
11 case provides fair, reasonable, and adequate relief to the members of the Class. I fully support
12 the Settlement of this action and request that it be finally approved by the Court.

13 10. I have no interest or involvement in the governance or work of the proposed *cy*
14 *pres* recipients Alliance for Children's Rights or Westwood Recreation Complex d.b.a. Friends
15 of Los Angeles.

16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on December 4, 2017 in West Hills, CA

18
19 
20 Patrick Eck