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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 FOR THE COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE

14 HOWARD JARVIS TAXPAYERS ASSN.;
15 LINNEA WARREN; THOMAS WOLFE;
16 EDWARD HENRY; AND ALL OTHERS
17 SIMILARLY STITUTED,

18 Plaintiffs,

19 v.

20 CITY OF PASADENA,

21 Defendant.

CASE NO. BC550394
Unlimited Jurisdiction

(Case assigned to Hon. Elihu M. Berle)

CLASS ACTION

[SECOND REVISED PROPOSED] ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT

Complaint Filed: July 21, 2014

Hearing Date: June 13, 2018

Time: 2:00 p.m.

Department: 556 6

ORDER

At the hearing on June 13, 2018, in Department 6 of this Court, the Honorable Elihu M. Berle considered Plaintiffs’ unopposed motion for preliminary approval of the parties’ agreement to settle this case, which previously had been certified as a class action, and the supplemental briefs filed by the parties in support of such motion. Holly O. Whatley appeared for Defendant City of Pasadena. No appearance was made for Plaintiffs, having been excused by the Court from attendance at a prior hearing. Having considered the papers and arguments of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED as follows:

1. The settlement agreement attached to the parties’ Joint Supplemental Brief in support of Preliminary Approval of Settlement is preliminarily approved, subject to the Court’s consideration of any objections that may hereafter be received from members of the Class. All publicly posted staff reports and other public notices regarding legislation to change water rates as proposed in the Settlement Agreement shall disclose the subject litigation and the proposed settlement.

2. The Settlement Class shall be all persons who currently are or formerly were property owners and tenants whose owned or rented real property is located outside the boundary of the territory incorporated as the City of Pasadena, whose owned or rented real property receives water service from the City of Pasadena, who are subject to the water rates applicable to customers outside the City’s incorporated territory, and who have paid said rates and charges at any time since March 24, 2013.

3. The forms of mailed and published notice attached to the parties’ Notice of Lodging of Updated Notices filed May 30, 2018 are approved.

4. KCC, LLC is approved as the administrator to oversee the notice program, record and retain any opt-outs or objections, and produce a final report for this Court.

5. The Court finds that the parties’ plan for providing notice to the Settlement Class constitutes the best notice practicable under the circumstances and shall constitute due and sufficient notice to Class Members of the pendency of this action, the terms of the Settlement Agreement, and the Fairness Hearing, and complies fully with the requirements of the California Rules of Court, the

1 California Code of Civil Procedure, the Constitution of the State of California, and any other
2 applicable law.

3 6. No later than July 11, 2018, the City shall cause notice of the settlement to be given to
4 the Settlement Class via U.S. mail from the Settlement Administrator to the City's current customers
5 who are Class Members, and its former customers who are Class Members, at their last known
6 address. Notice shall also be published in the Pasadena Star News, at least 1/8 page black-and-white,
7 to run at least once a week for three consecutive weeks.

8 7. Objections to the Settlement and Requests for Exclusion from the Settlement shall be
9 made pursuant to the terms outlined in the approved forms of notice.

10 8. Any member of the Settlement Class who elects to be excluded shall not be bound by
11 the release of any claims pursuant to the Settlement Agreement, and shall not be entitled to object to
12 the Settlement Agreement or appear at the Fairness Hearing.

13 9. Any Class Member who does not make an objection in the time and manner provided in
14 the Settlement Agreement shall be deemed to have waived such objection and forever shall be
15 foreclosed from making any objection to the fairness or adequacy of notice, the payment of
16 attorneys' fees and costs, and/or the Final Order and Judgment. A Class Member need not appear,
17 in person or by counsel, at the Fairness Hearing in order for his, her or its written objection to be
18 considered.

19 10. With the exception of such proceedings as are necessary to implement, effectuate and
20 grant final approval to the terms of the Settlement Agreement, all proceedings in this action are
21 stayed and all Class Members are enjoined from commencing or continuing any action or proceeding
22 in any court or tribunal asserting any claims encompassed by the Settlement Agreement, unless the
23 Class Member timely files a valid request to opt out of the Settlement Class as defined in the
24 Settlement Agreement.

25 11. The parties may further modify the Settlement Agreement prior to the Final Settlement
26 Hearing so long as such modifications do not materially change the terms of the settlement provided
27 therein. The Court may approve the Settlement Agreement with such modifications as may be
28 agreed to by the parties, if appropriate, without further notice to Class Members.

1 12. Plaintiffs shall file their motion for final approval of the settlement and motion for
2 approval of attorney fees and costs by August 14, 2018.

3 13. The hearing on Plaintiffs' motion for final approval is set for October 11, 2018 at 11:00
4 a.m. The deadline for responses to objections and the Administrator's Report is September 27,
5 2018.

6 14. The Court may, for good cause, extend any of the deadlines set forth in this Order
7 without further notice to Class Members. The Final Settlement Hearing may, without further notice
8 to the Settlement Class, be continued by order of the Court.

9
10 IT IS SO ORDERED.

11
12 DATED: _____

By: _____

Hon. Elihu M. Berle
Judge of the Superior Court

Colantuono, Highsmith & Whatley, PC
790 E. COLORADO BOULEVARD, SUITE 850
PASADENA, CA 91101-2109

PROOF OF SERVICE
Howard Jarvis Taxpayers Assn., et al. v. City of Pasadena
Case No. BC550394

I, Angelo McCabe, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 790 E. Colorado Boulevard, Suite 850, Pasadena, California 91109.

Pursuant to the Court's Order Authorizing Electronic Service of Documents dated **June 14, 2018**, I instituted service of the attached document described as follows:

**[SECOND REVISED PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

on the interested parties in this action (**See Attached Service List**) as follows:

BY ELECTRONIC MAIL: I electronically transmitted a copy of the within document in a PDF or word processing format to those persons noted on the attached list at their respective electronic mailbox addresses **using CaseHomePage** in accordance with the Cal. Rules of Court rule 2.251(g) on the date set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **June 14, 2018**, at Pasadena, California.



ANGELO MCCABE

SERVICE LIST

Howard Jarvis Taxpayers Association, et al. v. City of Pasadena
Los Angeles County Superior Court Case No. BC550394 - Hon. Elihu M. Berle, Dept. 323

<p>Jonathan M. Coupal, Esq. Trevor A. Grimm, Esq. Timothy A. Bittle, Esq. Laura E. Murray, Esq. HOWARD JARVIS TAXPAYERS FOUNDATION 921 Eleventh Street, Suite 1201 Sacramento, CA 95814 Tel: (916) 444-9950 Tgrimm.kg@gmail.com tim@hjta.org ryan@hjta.org</p>	<p><i>Attorneys for Plaintiffs, Howard Jarvis Taxpayers Association; Linnea Warren; Thomas Wolfe; Edward Henry; and all others similarly situated</i></p>
<p>Michele Beal Bagneris, Esq. CITY OF PASADENA 100 North Garfield Avenue, Suite N210 Pasadena, CA 91109 mbagneris@ci.pasadena.ca.us Tel: (626) 744-4141 Fax: (626) 744-4190</p>	<p><i>Counsel for Defendant, City of Pasadena</i></p>

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From: info@casehomepage.com on behalf of CaseHomePage <info@casehomepage.com>
Sent: Thursday, June 14, 2018 11:39 AM
To: Angelo McCabe
Subject: CaseHomePage Upload Case Files - 51302

CASEHOMEPAGE UPLOAD CONFIRMATION

Confirmation Number: 51302
Submitted: 2018/06/14 at 11:38 am
Number of Files: 1

YOUR INFO: Angelo McCabe
amccabe@chwlaw.us
213-542-5715

FIRM NAME: **Colantuono Highsmith & Whatley PC**

HANDLING ATTORNEY: Holly O. Whatley

CASE NAME: Howard Jarvis Taxpayers Assn v. City of Pasadena

CASE NUMBER: BC550394

DESCRIPTION OF DOC(S): [SECOND REVISED PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

UPLOADED DOC(S)*: 1. 2018-06-14-113851_Second-Revised-Order-Granting-Preliminary-Approval-of-Settlement.pdf

Documents are posted in the order received and will display the date submitted in the title. Documents submitted after hours will be posted no later than the following business morning. If you have a document that needs immediate attention, please reply to this email confirmation or call us at (707) 775-4577.

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From: Administrator <info@casehomepage.com>
Sent: Thursday, June 14, 2018 11:45 AM
Subject: New Document added to *HJTA - Docket, HJTA - Court Orders, Judgments, Stipulations, and Notices of Ruling

The following Document was added by Administrator on Thursday, 14 June, 2018 11:44:55 AM PDT



[HJTA - \(00kgr\) - \(06-14-18\) - CHW - \[Second Revised Proposed\] Order Granting Preliminary Approval of Class Action Settlement.pdf](#) [admin](#) 06/14/2018 [Props](#)

Appears In: [*HJTA - Docket](#), [HJTA - Court Orders, Judgments, Stipulations, and Notices of Ruling](#)

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