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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 HOWARD JARVIS TAXPAYERS ASSN.;)
LINNEA WARREN; THOMAS WOLFE;)
12 EDWARD HENRY; AND ALL OTHERS)
SIMILARLY SITUATED,)

13 Plaintiffs,
14

15 v.

16 CITY OF PASADENA,
17 Defendant.

Case No. BC550394

**DECLARATION OF TIMOTHY BITTLE IN
SUPPORT OF PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: March 27, 2018
Time: 10:00 a.m.
Dept: 323

1 **DECLARATION OF TIMOTHY BITTLE**

2 I, Timothy A. Bittle, declare as follows:

3 I am an attorney, duly licensed by the State of California, admitted to practice before this
4 Court, and counsel of record for plaintiffs in this action. I have personal knowledge of the facts
5 to follow, and if called upon as a witness, my testimony would be the same.

6 1. The proposed settlement was reached through arm’s-length bargaining over a
7 period of several years, and not until both parties were well acquainted with the strengths and
8 weaknesses of their opponent’s case and their own. On April 14, 2015, the parties attended
9 a full-day mediation conducted by the Hon. George P. Schiavelli (ret.). That mediation was
10 unsuccessful. This Court then ordered the parties to a settlement conference with Judge Helen
11 I. Bendix, the first session of which occurred on December 16, 2015. That session was
12 unsuccessful. The parties returned for a second session on March 16, 2016, which was also
13 unsuccessful. The City deposed two of the three named plaintiffs, as well as both of the
14 plaintiffs’ designated expert witnesses. Plaintiffs deposed the City’s Person Most Knowledge-
15 able on numerous topics and also deposed both of the City’s designated expert witnesses. In
16 response to written discovery requests from the plaintiffs, the City produced 5,576 pages of
17 documents and responded to a combined total of 108 interrogatories, requests for admission
18 and requests for production. In response to written discovery requests from the City, plaintiffs
19 responded to a combined 97 interrogatories, requests for admission and requests for
20 production. Finally, both sides filed trial briefs and a joint exhibit list, and were ready for trial.
21 It was not until this late stage in the proceedings that the parties at last came to a meeting of
22 the minds.

23 2. The parties to the proposed settlement did not begin negotiating the dollar amount
24 of an attorney fee award until after the other settlement terms had been accepted and reduced
25 to writing. The three attorneys who worked on plaintiffs’ case kept daily, contemporaneous
26 records of their time spent on this case. I presented to the City the number of hours each
27 attorney recorded and a requested hourly rate for each attorney. I did not seek a multiplier.
28 The City accepted the number of hours, but asked that the hourly rate of the two most

1 experienced attorneys, including myself, be reduced by \$100/hour. We accepted the City's
2 counter-offer. If the case had gone to trial and the court had awarded refunds, I would have
3 sought a fee based on a percentage of the fund from which refunds would be paid. That fee
4 amount would have been significantly greater than the hourly compensation agreed to here.

5 3. Counsel for both parties in this case have relevant experience. The City's lawyer,
6 Holly Whatley, is a partner in the law firm Colantuono, Highsmith & Whatley (CH&W). I have
7 litigated several Proposition 218 cases where CH&W was either counsel of record or amicus
8 curiae. I have been a presenter on several Proposition 218 panels where a CH&W partner was
9 also a presenter. I have great respect for the firm and consider them experts on Proposition
10 218. As for me, I am the Director of Legal Affairs for the Howard Jarvis Taxpayers Association,
11 which authored and sponsored Proposition 218. I have held this position for over 20 years.
12 I too have been counsel of record or amicus curiae on dozens of cases involving Proposition
13 218, including at least four class actions. In my opinion, the present settlement is fair,
14 reasonable and adequate and in the best interest of the Class members.

15 I certify upon penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct and that this declaration was executed February 27, 2018, in the
17 City of Sacramento, California.

18 
19 _____
TIMOTHY A. BITTLE

1 **PROOF OF SERVICE**

2 **Howard Jarvis Taxpayers Assn., et al. v. City of Pasadena**
3 **Case No. BC550394**

4
5 I, Lorice Strem, declare:

6 I am employed in the County of Sacramento, California. I am over the age of 18
7 years, and not a party to the within action. My business address is: 921 11th Street, Suite
8 1201, Sacramento, California 95814.

9 Pursuant to the Court's Order Authorizing Electronic Service of Documents dated
10 November 13, 2014, I electronically transmitted the following document in a PDF or word
11 processing format to those persons listed below at the respective electronic mailbox
12 addresses using CaseHomePage in accordance with the Cal. Rules of Court, Rule 2.251(g):

13 **DECLARATION OF TIMOTHY BITTLE IN SUPPORT OF PRELIMINARY**
14 **APPROVAL OF CLASS ACTION SETTLEMENT**

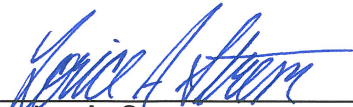
15 Holly O. Whatley
16 Colantuono, Highsmith & Whatley, PC
17 790 E. Colorado Blvd., Suite 850
18 Pasadena, CA 91101
19 hwhatley@chwlaw.us
20 Counsel for Defendant City of Pasadena

Michele Beal Bagneris
City of Pasadena
100 North Garfield Avenue, Suite N210
Pasadena, CA 91109
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Counsel for Defendant City of Pasadena

21 I declare under penalty of perjury under the laws of the State of California that the
22 above is true and correct. Service was instituted on the date listed below.

23 DATED: February 27, 2018

SIGNED:

24 
25 _____
26 Lorice A. Strem
27
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