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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES

12 HOWARD JARVIS TAXPAYERS ASSN.;)
LINNEA WARREN; THOMAS WOLFE;)
13 AND OTHERS SIMILARLY SITUATED,)

14 Plaintiffs,)

15 v.)

16 CITY OF PASADENA,)

17 Defendant.)
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Case No. BC550394
Assigned for all purposes: Hon. Elihu M. Berle

**NOTICE OF ORDERS ON MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

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

1 TO ALL PARTIES:

2 At a regularly scheduled hearing on March 27, 2018, in Department 323 of this
3 Court, the Honorable Elihu M. Berle considered plaintiffs' Unopposed Motion for Preliminary
4 Approval of Class Action Settlement. Timothy A. Bittle appeared by telephone for plaintiffs;
5 Holly O. Whatley appeared by telephone for defendant City of Pasadena. The Court issued
6 the following orders:

7 1. By April 19, 2018, the parties shall submit supplemental points and
8 authorities that: (1) explain why the City's commitment to "consider" adjustments to
9 water rates that eliminate the 25% nonresident surcharge does not render the
10 settlement illusory; (2) estimates the number of persons in the settlement class; (3)
11 estimates the dollar amount of refunds that might have been paid had the case gone
12 to trial and plaintiffs prevailed; (4) estimates the cost of the settlement administrator;
13 and (5) explains whether the new rates will apply to all customers whether or not they
14 opt out of the settlement.

15 2. By April 19, 2018, the parties shall also submit a signed amended
16 settlement agreement that: (1) explains whether attorney fees will be paid if the City
17 Council rejects adjustments to water rates that eliminate the 25% nonresident
18 surcharge; and (2) eliminates the waiver of Civil Code section 1542 except for class
19 representatives.

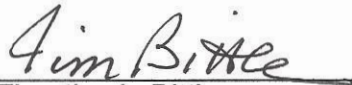
20 3. By April 19, 2018, the parties shall also submit an amended
21 proposed Class Notice that: (1) includes the full definition of the class; (2) explains
22 whether attorney fees will be paid if the City Council rejects adjustments to water
23 rates that eliminate the 25% nonresident surcharge; (3) amends Paragraph 2.9 to
24 allow class members to file an objection to the terms of the settlement without
25 appearing at the final settlement hearing, and to participate in the final settlement
26 hearing even if they did not file a timely objection; (4) amends Paragraph 2.10 so
27 that the deadline for requesting exclusion from the settlement class corresponds with
28 the deadline for filing an objection to the settlement terms.

1 The hearing on the Motion for Preliminary Approval of Class Action Settlement shall
2 reconvene on May 3, 2018, at 2:00 p.m. in Department 6 of the Spring Street Courthouse,
3 located at 312 N. Spring Street, Los Angeles, California.

4 DATED: April 3, 2018.

5 Respectfully submitted,

6 JONATHAN M. COUPAL
7 TREVOR A. GRIMM
8 TIMOTHY A. BITTLE
9 LAURA E. MURRAY

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11 Timothy A. Bittle
12 Attorneys for Plaintiffs
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1 **PROOF OF SERVICE**

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

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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 **Notice of Orders On Motion for Preliminary Approval of Class Action**
14 **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
mbagneris@ci.pasadena.ca.us
Counsel for Defendant City of Pasadena

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

22 DATED: April 3, 2018

SIGNED:

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24 _____
25 Lorice A. Strem
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