

1 HOLLY O. WHATLEY, State Bar No. 160259  
HWhatley@chwlaw.us  
2 AMY C. SPARROW, State Bar No. 191597  
ASparrow@chwlaw.us  
3 JON R. di CRISTINA, State Bar No. 2282278  
JdiCristina@chwlaw.us  
4 COLANTUONO, HIGHSMITH & WHATLEY, PC  
790 E. Colorado Blvd., Suite 850  
5 Pasadena, California 91101-2109  
Telephone: (213) 542-5700  
6 Facsimile: (213) 542-5710  
7 MICHELE BEAL BAGNERIS, State Bar No. 115423  
City Attorney  
8 JAVAN N. RAD, State Bar No. 209722  
JRad@cityofpasadena.net  
9 CITY OF PASADENA  
100 North Garfield Avenue, Suite N210  
10 Pasadena, California 91109

11 Attorneys for Defendant CITY OF PASADENA

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: SSC

Exempt from Filing Fees  
Government Code § 6103  
**FILED**  
Superior Court of California  
County of Los Angeles

JUN 20 2018

Sherrri R. Carter, Executive Officer/Clerk  
By [Signature], Deputy  
Kelly Jameson

RECEIVED  
CENTRAL DISTRICT  
MAY 14 2018  
Date Produced  
By:

By Fax

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

RECEIVED  
LOS ANGELES SUPERIOR COURT  
JUN 14 2018  
B. SMITH

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

08/17/2018  
196036.1

**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

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

08/17/2018

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

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. <sup>Subject to Court approval,</sup> 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.

SMA

08/17/2018  
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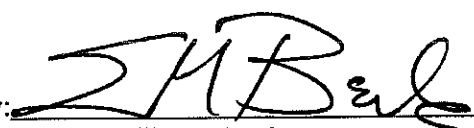
1 12. Plaintiffs shall file their motion for final approval of the settlement and motion for  
2 approval of attorney fees and costs by August 14, 2018.

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: June 20, 2018

13 By:   
14 Hon. Elihu M. Berle  
15 Judge of the Superior Court

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

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**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

Colantuono, Highsmith & Whatley, PC  
300 S. GRAND AVENUE, SUITE 2700  
LOS ANGELES, CA 90071-3737

08/17/2018

**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

Colantuono, Highsmith & Whatley, PC  
300 S. GRAND AVENUE, SUITE 2700  
LOS ANGELES, CA 90071-3137

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<p>Jonathan M. Coupal, Esq. Trevor A. Grimm, Esq. Timothy A. Bittle, Esq. Laura E. Murray, Esq. <b>HOWARD JARVIS TAXPAYERS FOUNDATION</b> 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. <b>CITY OF PASADENA</b> 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>

08/17/2018