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6	Attorneys for Plaintiffs	
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8	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
9	FOR THE COUNTY OF LOS ANGELES	
10	LIOMARD JARVIO TAVRAVERO ACON) O N BOSSOO4
11	HOWARD JARVIS TAXPAYERS ASSN.; LINNEA WARREN; THOMAS WOLFE; EDWARD HENRY; AND ALL OTHERS) Case No. BC550394)
12	SIMILARLY SITUATED,))) DECLARATION OF TIMOTHY BITTLE IN
13	Plaintiffs,	SUPPORT OF FINAL APPROVAL OF CLASS ACTION SETTLEMENT
14	V.)
15	CITY OF PASADENA,))) Data: October 11, 2019
16	Defendant.) Date: October 11, 2018) Time: 11:00 a.m.) Dept: 6
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DECLARATION OF TIMOTHY BITTLE

I, Timothy A. Bittle, declare as follows:

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

- The proposed settlement was reached through arm's-length bargaining over a period of several years, and not until both parties were well acquainted with the strengths and weaknesses of their opponent's case and their own. On April 14, 2015, the parties attended a full-day mediation conducted by the Hon. George P. Schiavelli (ret.). That mediation was unsuccessful. This Court then ordered the parties to a settlement conference with Judge Helen I. Bendix, the first session of which occurred on December 16, 2015. That session was unsuccessful. The parties returned for a second session on March 16, 2016, which was also unsuccessful. The City deposed two of the three named plaintiffs, as well as both of the plaintiffs' designated expert witnesses. Plaintiffs deposed the City's Person Most Knowledgeable on numerous topics and also deposed both of the City's designated expert witnesses. In response to written discovery requests from the plaintiffs, the City produced 5,576 pages of documents and responded to a combined total of 108 interrogatories, requests for admission and requests for production. In response to written discovery requests from the City, plaintiffs responded to a combined 97 interrogatories, requests for admission and requests for production. Finally, both sides filed trial briefs and a joint exhibit list, and were ready for trial. It was not until this late stage in the proceedings that the parties at last came to a meeting of the minds.
- 2. The parties to the proposed settlement did not begin negotiating the dollar amount of an attorney fee award until after the other settlement terms had been accepted and reduced to writing. The three attorneys who worked on plaintiffs' case kept daily, contemporaneous records of their time spent on this case. I presented to the City the number of hours each attorney had recorded so far and a rough estimate of the hours of work remaining, together with a requested hourly rate for each attorney. I did not seek a

multiplier. The City accepted the number of hours, but asked that the hourly rate of the two most experienced attorneys, including myself, be reduced by \$100/hour. We accepted the City's counter-offer. If the case had gone to trial and the court had awarded refunds, I would have sought a multiplier or a fee based on a percentage of the fund from which refunds would be paid. That fee amount would have been significantly greater than the hourly compensation agreed to here.

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

I certify upon penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed August 14, 2018, in the City of Sacramento, California.

TIMOTHY A. BITTLE