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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **FOR THE COUNTY OF RIVERSIDE**

19 IN RE: RENOVATE AMERICA FINANCE)
20 CASES)

Case No. RICJCCP4940

) **DECLARATION OF PLAINTIFFS**
) **GEORGE AND JUDITH LOYA IN**
) **SUPPORT OF PLAINTIFFS' MOTION**
) **FOR PAYMENT OF A CLASS**
) **REPRESENTATIVE AWARD**

21 _____)
22)
23 THIS DOCUMENT RELATES TO:)

24 ALL ACTIONS)

) DATE: July 8, 2020
) TIME: 8:30 a.m.
) JUDGE: Hon. Sunshine S. Sykes
) DEPT.: 6
)

1 I, George Loya, and I, Judith Loya, declare as follows:

2 1. We are individuals over the age of 18 and are married. We have personal
3 knowledge of the following facts set forth herein, and if called upon to do so, we could, and
4 would, competently testify thereto. We submit this declaration in support of our request for
5 payment of a single Class Representative Award of \$5,000 pursuant to the First Amended
6 Settlement Agreement in this case.

7 2. We are residents of California and two of the named Plaintiffs in the above-
8 captioned matter. The Court appointed us as Class Representatives in its Amended Order
9 Preliminarily Approving Settlement, Preliminarily Approving Class for Settlement Purposes, and
10 With Respect to Class Notice, Final Approval Hearing, and Administration, signed by the Court
11 on February 14, 2020 and entered on February 24, 2020.

12 3. In 2016, I, George Loya, spoke with experienced attorneys (certain of whom have
13 been appointed as Class Counsel) to determine if I would retain them to handle my case. They
14 spent significant time with me discussing this case and the law, including what was involved in
15 being a class representative. Later, I, Judith Loya, joined as a named Plaintiff as well. In the
16 end, we decided to vindicate not only our own rights, but also those of other persons or entities
17 who received residential PACE tax assessment financing through the HERO program. Since
18 agreeing to serve, we have diligently fulfilled our obligations, and we believe we were
19 instrumental in achieving the relief obtained for the Class.

20 4. On November 1, 2016, I, George Loya, filed, by and through my attorneys, on my
21 behalf and on behalf of those similarly situated, a class action complaint in the Superior Court
22 alleging that certain features of the tax assessment contracts entered into under a PACE program
23 were unlawful, fraudulent and unfair. Thereafter, on February 16, 2017, I, Judith Loya, was
24 added to the case as a named Plaintiff. We were in contact with our attorneys as the case moved
25 through proceedings in federal court and then back to state court.

26 5. We have participated in this litigation from its inception through settlement. We
27 have been in regular contact with our attorneys during the course of this matter.

1 6. Among other things, we have spent time: speaking with Class Counsel extensively
2 over the telephone over the nearly four-year duration of this litigation about the facts and legal
3 issues involved; searching for documents related to this case and providing them to our counsel;
4 reviewing pleadings filed in the action where necessary, including the various versions of the
5 complaints in this case in both state and federal court; discussing the ruling in the federal court
6 which sent the case back to state court; discussing the mediation and the terms of the settlement
7 the parties reached thereafter; and signing the settlement papers.

8 7. Based upon the foregoing services we performed to further the prosecution of this
9 matter, we estimate that we have collectively spent approximately 34 hours of our time on this
10 litigation to date.

11 8. We are familiar with the work involved in prosecuting this action and worked
12 closely with our attorneys in prosecuting the action and in obtaining the relief provided by the
13 settlement. We made sure that we made ourselves available to discuss developments in the case
14 as part of our duty as class representatives. All in all, we have devoted significant time and
15 attention to this case.

16 9. We have fairly represented the absent class members and herein request that the
17 Court approve this settlement and confirm us as Class Representatives. We have maintained the
18 best interests of the Class while performing our class representative duties. We are not aware of
19 any conflicts that would prevent us from serving as Class Representatives in this matter.

20 10. We believe that: (1) settlement of this action as a class action is the best means
21 available for the fair and efficient resolution of our claims and those of the other Class members;
22 (2) our claims are typical of all members of the Class; and (3) we are adequate Class
23 Representatives because our interests do not conflict with the interests of the other Class
24 members which we seek to represent.

25 11. Our counsel and we have fairly and adequately represented the interests of the
26 Settlement Class. Our chosen counsel, whom we understand have been appointed as Class
27 Counsel in this matter for purposes of this settlement, have demonstrated their valuable
28 experience and qualifications in conducting the pending litigation. They are experienced in

prosecuting class actions such as this and have successfully prosecuted numerous class actions in recent years, recovering millions of dollars for people across the country. They have continued to provide fair and vigorous representation for the Class in this matter.

12. By serving as Class Representatives in this action, we bore a certain amount of risk that other Class members did not bear. In addition to the time we spent participating in the prosecution of this case, as described above, we took a risk by coming forward publicly and filing this class action, as we took a stand against large governmental entities and their chosen agent in running the HERO program.

13. To our knowledge, we have not suffered any adverse consequences as a result of prosecuting the action.


14. We have not received any benefits not to be received by other Class members (other than if the Court should award us the instant Class Representative Award).

15. We did not incur any expenses to further the prosecution of this action as our attorneys covered all such expenses.

16. There are no other cases, pending or closed, in which we are or were the named class representatives.

17. Based on the foregoing, we respectfully request that this Court award us a Class Representative Award of \$5,000.

We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 21st day of May 2020, at Moreno Valley, California.


GEORGE LOYA


JUDITH LOYA