

1 BETSY C. MANIFOLD (182450)
manifold@whafh.com

2 RACHELE R. BYRD (190634)
byrd@whafh.com

3 **WOLF HALDENSTEIN ADLER**
FREEMAN & HERZ LLP

4 750 B Street, Suite 1820
San Diego, CA 92101
5 Telephone: 619/239-4599
Facsimile: 619/234-4599

6 MARK C. RIFKIN (*pro hac vice*)
rifkin@whafh.com

7 **WOLF HALDENSTEIN ADLER**
FREEMAN & HERZ LLP

8 270 Madison Avenue
9 New York, New York 10016
10 Telephone: 212/545-4600
Facsimile: 212/545-4653

11 LEE SHALOV (*pro hac vice*)
lshalov@mclaughlinstern.com

12 **MCLAUGHLIN & STERN LLP**

13 260 Madison Avenue
14 New York, New York 10016
15 Telephone: 646/278-4298
16 Facsimile: 212/448-0066

17 *Attorneys for Plaintiffs*

JANINE L. POLLACK (*pro hac vice*)
jpollack@calcaterrapollack.com

CALCATERRA POLLACK LLP

1140 Avenue of the Americas, 9th Floor
New York, NY 10036-5803
Telephone: (212) 899-1765

C. MARIO JARAMILLO
cmj@access.law

C. MARIO JARAMILLO, PLC (dba
ACCESS LAWYERS GROUP)

527 South Lake Ave., Suite 200
Pasadena, CA 91101
Telephone: 866/643-9099
Facsimile: 866/686-5590

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

21) **DECLARATION OF PLAINTIFF**
22) **MICHAEL RICHARDSON IN**
23) **SUPPORT OF PLAINTIFFS' MOTION**
24) **FOR PAYMENT OF A CLASS**
25) **REPRESENTATIVE AWARD**

26 THIS DOCUMENT RELATES TO:

27 ALL ACTIONS

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

1 I, Michael Richardson, declare as follows:

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

6 2. I am a resident of California and one of the named Plaintiffs in the above-
7 captioned matter. The Court appointed me as a Class Representative in its Amended Order
8 Preliminarily Approving Settlement, Preliminarily Approving Class for Settlement Purposes, and
9 With Respect to Class Notice, Final Approval Hearing, and Administration, signed by the Court
10 on February 14, 2020 and entered on February 24, 2020.

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

18 4. On November 1, 2016, I filed, by and through my attorneys, on my behalf and on
19 behalf of those similarly situated, a class action complaint in the Superior Court alleging that
20 certain features of the tax assessment contracts entered into under a PACE program were
21 unlawful, fraudulent and unfair. I was in contact with my attorneys as the case moved through
22 proceedings in federal court and then back to state court.

23 5. I have participated in this litigation from its inception through settlement. I have
24 been in regular contact with my attorneys during the course of this matter.

25 6. Among other things, I have spent time: speaking with Class Counsel extensively
26 over the telephone over the nearly four-year duration of this litigation about the facts and legal
27 issues involved; searching for documents related to this case and providing them to my counsel;
28

1 reviewing pleadings filed in the action where necessary, including the various versions of the
2 complaints in this case in both state and federal court; discussing the ruling in the federal court
3 which sent the case back to state court; discussing the mediation and the terms of the settlement
4 the parties reached thereafter; and signing the settlement papers.

5 7. Based upon the foregoing services I performed to further the prosecution of this
6 matter, I estimate that I have spent approximately 39 hours of my time on this litigation to
7 date.

8 8. I am familiar with the work involved in prosecuting this action and worked
9 closely with my attorneys in prosecuting the action and in obtaining the relief provided by the
10 settlement. I made sure that I made myself available to discuss developments in the case as part
11 of my duty as a class representative. All in all, I have devoted significant time and attention to
12 this case.

13 9. I have fairly represented the absent class members and herein request that the
14 Court approve this settlement and confirm me as a Class Representative. I have maintained the
15 best interests of the Class while performing my class representative duties. I am not aware of
16 any conflicts that would prevent me from serving as a Class Representative in this matter.

17 10. I believe that: (1) settlement of this action as a class action is the best means
18 available for the fair and efficient resolution of my claims and those of the other Class members;
19 (2) my claims are typical of all members of the Class; and (3) I am an adequate Class
20 Representative because my interests do not conflict with the interests of the other Class members
21 which I seek to represent.

22 11. My counsel and I have fairly and adequately represented the interests of the
23 Settlement Class. My chosen counsel, whom I understand have been appointed as Class Counsel
24 in this matter for purposes of this settlement, have demonstrated their valuable experience and
25 qualifications in conducting the pending litigation. They are experienced in prosecuting class
26 actions such as this and have successfully prosecuted numerous class actions in recent years,
27 recovering millions of dollars for people across the country. They have continued to provide fair
28 and vigorous representation for the Class in this matter.

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

6 13. To my knowledge, I have not suffered any adverse consequences as a result of
7 prosecuting the action.

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

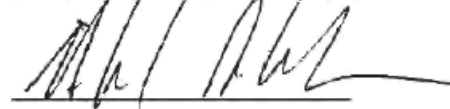
10 15. I did not incur any expenses to further the prosecution of this action as my
11 attorneys covered all such expenses.

12 16. There are no other cases, pending or closed, in which I am or was the named class
13 representative.

14 17. Based on the foregoing, I respectfully request that this Court award me a Class
15 Representative Award of \$5,000.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct. Executed this 22nd day of May 2020, at Compton_____,
18 California.

19
20
21
22 **MICHAEL RICHARDSON**

A handwritten signature in black ink, appearing to be "Michael Richardson", written over a horizontal line. The signature is stylized and cursive.

23
24
25
26
27
28 26454