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13 Attorneys for Plaintiff Eileen Staats, on behalf of
14 herself, and all others similarly situated (“the Class”)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

EILEEN A. STAATS, on behalf of herself and
all others similarly situated,

Plaintiffs,

v.

CITY OF PALO ALTO; and DOES 1 through
100, inclusive,

Defendant.

Case No. 115-CV-284956

Assigned for all Purposed to Hon. Brian Walsh

**DECLARATION OF PLAINTIFF EILEEN
STAATS IN SUPPORT OF (1) MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND (2)
MOTION FO ATTORNEYS’
FEES/COSTS/PLAINTIFF’S INCENTIVE
AWARD**

Action Filed: August 17, 2015

**DECLARATION OF PLAINTIFF EILEEN STAATS IN SUPPORT OF (1) MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT AND (2) MOTION FO ATTORNEYS’
FEES/COSTS/PLAINTIFF’S INCENTIVE AWARD**

1 five phone lines, \$7.50 per phone line for the next five phone lines, and \$6.50 per
2 phone line for the remaining phone lines;

3 (iii) Claimants must submit the following documentation to secure a refund:

4 **One Phone Line.** If a Claimant is seeking a refund for one
5 phone line, the Claimant must submit: (1) a Claim Form signed under
6 penalty of perjury, indicating that the Claimant had a landline in the
7 City or a wireless line with a place of primary use (as defined by the
8 Mobile Telecommunications Sourcing Act, 4 U.S.C. §§ 116-126) in
9 the City during the Claim Period; and (2) evidence of a Palo Alto
10 address, such as a current phone bill, utility bill, property tax bill, W-
11 2 form, paystub, or other similar document;

12 **Two to Ten Phone Lines.** If a Claimant is seeking a refund
13 for two to ten phone lines, the Claimant must submit: (1) a Claim
14 Form signed under penalty of perjury, identifying the number of
15 landlines the Claimant had in the City or the number of wireless lines
16 the Claimant had with a place of primary use in the City during the
17 Claim Period; and (2) a phone bill or multiple phone bills, from any
18 time period, sufficient to specifically identify each phone line. Each
19 phone bill must show a Palo Alto address; and

20 (iv) up to \$425,000 in attorneys' fees and expenses will come out of the
21 Settlement Fund, if approved by the Court.

22 3. Since originally filing this case in 2015, I have been strongly
23 motivated to assert the interests of the class given that I am a former Palo Alto taxpayer
24 who was wrongfully charged the Utility Users Tax on my monthly mobile telephone
25 bills during the class period. I have demonstrated my commitment to this case by
26 vigorously pursuing it since 2015.

27 4. I have spent at least 100 hours pursuing the claims in this case. My

1 work has included (1) meetings with counsel to discuss the case, (2) locating and pulling
2 telephone records, (3) contacting service providers to locate additional documents, (4) responding
3 to two sets of written discovery including form interrogatories, special interrogatories, requests
4 for admissions and request for productions, and supplemental responses, (5) preparing/reviewing
5 declarations for various motion proceedings including class certification, preliminary approval
6 and the instant motion, (6) preparing for my deposition which required meetings with my counsel
7 and review of documents as well as reviewing previous testimony and discovery responses, (7)
8 participating in my deposition, (8) assisting in all other discovery matters, (9) consulted with
9 counsel during the mediation and settlement process, and (10) reviewed hundreds of pages of
10 documents in this case, including the Settlement Agreement.

11 5. In addition to the work performed, I incurred significant risks in
12 undertaking this litigation. Specifically, I have put myself at risk to pay Defendant's attorneys'
13 fees and costs incurred in this case if there was an unsuccessful outcome in the lawsuit.

14 6. I have also put myself at risk that this lawsuit would have a negative
15 impact on my reputation, which in turn could impact future professional opportunities,
16 particularly because the lawsuit bears my name and the subject matter of the lawsuit is
17 controversial to some.

18 7. I have incurred expenses throughout this litigation, including costs for
19 travel to and from the deposition. I also took time off from my work activities to consult with
20 counsel and attend meetings with my counsel.

21 8. I am currently not party to, nor have I been a party to at any time during
22 the course of this litigation, any cases which are similar to the above-entitled case pending in
23 other jurisdictions or courts.

24 9. I understand that my lawyers will formally request that the Court award
25 me an incentive payment of \$10,000 during the hearing on final settlement approval and fees
26 and costs. I believe this amount is proportionate to and accurately reflects the risks I faced in
27 filing the suit and the amount of time and effort I expended and the duration of the litigation.

1 To date, I have neither been offered nor provided any compensation for my time spent on this
2 case or for participating in this case.

3 10. Based on my experience working with the law firms representing the class and
4 me in this case, including Girardi | Keese, Slovak, Baron, Empey, Murphy & Pinkey, LLP, and
5 Steele Cooper Law, I believe the firms have worked diligently to represent and protect the
6 interests of the class and me. I also believe that they have vigorously pursued the claims in this
7 case and will continue to do so until its final determination. I believe the Settlement Agreement
8 was a result of my lawyers' hard work and dedication to this case.

9 11. In my view as the class representative in this case and based on all of the work I
10 have done and monitored for the last more than five years, I view the settlement as fair, just,
11 reasonable and adequate. I believe that the settlement that has been presented to the Court for
12 final approval represents the best result that could be achieved for the proposed Class and me
13 without a trial, and I also believe that the advantages of settling the case on the proposed terms
14 significantly outweigh the risks of proceeding to trial.

15 I declare under the penalty of perjury pursuant to the laws of the State of California that
16 the foregoing is true and correct.

17 Executed this August 19, 2021 at Aptos, California.

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EILEEN STAATS

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and not a party to this action. I am
4 employed in the County of Los Angeles, State of California. My business address is 175 S. El
5 Molino Ave., Suite 9, Pasadena, CA 91101.

6 On August 19, 2021, I served true copies of the following document(s) described as
7 **DECLARATION OF PLAINTIFF EILEEN STAATS IN SUPPORT OF (1) MOTION FOR FINAL**
8 **APPROVAL OF CLASS ACTION SETTLEMENT AND (2) MOTION FO ATTORNEYS'**
9 **FEES/COSTS/PLAINTIFF' INCENTIVE AWARD** on the interested parties in this action as follows:

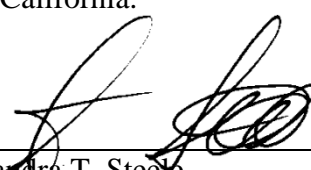
10 Benjamin P. Fay
11 Gabriel McWhirter
12 JARVIS, FAY, DOPORTO & GIBSON, LLP
13 492 Ninth Street, Suite 310
14 Oakland, CA 94607
15 Telephone: (510) 238-1400
16 Facsimile: (510) 238-1404
17 bfay@jarvisfay.com

18 Attorneys for Defendant CITY OF PALO ALTO

19 **XX BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
20 document(s) to be sent from e-mail address alex@steelecooperlaw.com to the persons at the e-
21 mail addresses listed in the Service List. I did not receive, within a reasonable time after the
22 transmission, any electronic message or other indication that the transmission was unsuccessful.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Executed on August 19, 2021, at Los Angeles, California.

26 
27 _____
28 Alexandra T. Steele