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Electronically  
**FILED**  
by Superior Court of California, County of San Mateo  
ON 2/21/2023  
By /s/ Vanessa Jimenez  
Deputy Clerk

8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF SAN MATEO**

11 BRAD BARUH, KATHY BARUH,  
12 CHARLES BOLTON, ELDRIDGE GRAY,  
13 JOHN LOCKTON, DAVID MARQUARDT,  
14 PAUL ROCHESTER, ARTHUR  
15 STROMBERG, CHARLES SYERS,  
16 individually and on behalf of all others  
17 similarly situated,

18 Plaintiffs and Petitioners,

19 v.

20 TOWN OF HILLSBOROUGH and DOES 1-  
21 100, inclusive,

22 Defendants and Respondents.

Case No. 16CIV02284

**DECLARATION OF JOHN LOCKTON  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
SERVICE AWARD**

**Date: March 20, 2023**

**Time: 3:00 p.m.**

**Dept.: Hon. V. Raymond Swope**

**Dept. 23**

23 I, John Lockton, hereby declare:

24 1. I am an adult, over 18 years old. I am a named plaintiff and an appointed class  
25 representative in the above-entitled action. I have firsthand knowledge of the information set forth  
26 in this declaration, and if called to testify I can and will do so.

27 2. Bringing this case and pursuing it for almost six years was not an easy undertaking  
28 and it involved a great deal of effort and stress. Both prior to and after being appointed a class  
representative by the Court, I have pursued this action with the best interests of the class in mind.

1 I have given a significant amount of my time in pursuit of this lawsuit, and I believe that our work  
2 has reaped a real benefit to the class.

3           3.       Like Mr. Syers, my work for this lawsuit began even prior to its inception, as my  
4 efforts to understand the Town of Hillsborough's water rates and to speak against them to the  
5 Town Council formed the impetus for this lawsuit. To this end, I spent a significant amount of  
6 time learning about and coming to understand the Town's methods of water distribution and water  
7 billings methods. I spent additional time visiting representatives of the water department for  
8 casual conversations. I also attended many Town Council meetings, and at each meeting spoke  
9 out about my concerns over the Town's water billing methods and the reports it was getting from  
10 its consultants. After each meeting, I conducted further factual investigations to better understand  
11 the Town's water billing practices and their problematic nature.

12           4.       Other citizens of Hillsborough became concerned about the water rates. Some  
13 were large water users. But others were smaller water users who joined our group out of a desire  
14 for fairness in water rates and in a belief our outstanding community should not violate the  
15 constitution on water rates. I engaged in a large number of discussions with this group as we tried  
16 to gain access to the Town Council to discuss the issues. The Town stonewalled us and an  
17 attorney was identified, Beau Burbidge, who had experience in Prop 218 litigation. Mr. Burbidge  
18 sent an attorney's letter to the Town, a letter seeking negotiation that I reviewed. When it got no  
19 response, I had further discussions with the group that resulted in initiation of the lawsuit as the  
20 only viable way to bring the Town to the table and get the Town to address the issues.

21           5.       After the lawsuit was filed, and during the long course of its pendency, I devoted  
22 time to (i) reviewing the Town's water rate and billing data and the legal precedents that would  
23 support the case; (ii) having literally hundreds of discussions with other class members and fellow  
24 citizens about the case; (iii) having dozens of in-person, telephonic, and Zoom meetings with  
25 counsel and exchanging hundreds of emails; (iv) reviewing court filings by the Town and  
26 proposed court filings on behalf of plaintiffs; (v) studying and discussing with other plaintiffs and  
27 counsel regarding various strategic decisions and procedures in the litigation; (vi) preparing for  
28 and attending a mandatory settlement conference and mediation; (vii) and serving as the lead

1 plaintiff and communication conduit for further settlement discussions.

2 6. Over the years, I estimate that I have dedicated well over 120 hours of my own  
3 time in pursuit of this case.

4 6. During the course of this lawsuit, I have received extensive condemnation from  
5 some very vocal members in our community who did not support our cause. Many people in our  
6 community stopped speaking to me altogether, while others would go to great lengths to criticize  
7 my advocacy and my role in this case. While this pressure of the course of many years caused me  
8 a significant amount of stress, it did not deter me in my efforts to seek the best result possible for  
9 the class.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true.

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13 Dated: Feb 14, 2023

By: John Lockton  
John Lockton (Feb 14, 2023 12:57 PST)  
John Lockton

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# Declaration to Sign

Final Audit Report

2023-02-14

Created:	2023-02-14
By:	Beau Burbidge (beau@burbidgemitchell.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA4tErthfGII9NajBR_657z_m1TL9xPKIU

## "Declaration to Sign" History

-  Document created by Beau Burbidge (beau@burbidgemitchell.com)  
2023-02-14 - 6:59:12 PM GMT- IP address: 65.181.55.114
-  Document emailed to lockton@comcast.net for signature  
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2023-02-14 - 8:54:29 PM GMT- IP address: 67.161.32.48
-  Signer lockton@comcast.net entered name at signing as John Lockton  
2023-02-14 - 8:57:04 PM GMT- IP address: 67.161.32.48
-  Document e-signed by John Lockton (lockton@comcast.net)  
Signature Date: 2023-02-14 - 8:57:06 PM GMT - Time Source: server- IP address: 67.161.32.48
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**PROOF OF SERVICE**

***Baruh, et al. v Town of Hillsborough***  
San Mateo County Superior Court Case No. 16CIV02284

My business address is 50 Francisco Street, Suite 460, San Francisco, California 94133. I am employed in the County of San Francisco, where this mailing occurs. I am over the age of 18 years and not a party to the within cause. On the date set forth below, I served the foregoing document(s) described as:

**DECLARATION OF JOHN LOCKTON IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND SERVICE AWARD**

on the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as listed below.

**BY ELECTRONIC SERVICE – E-MAIL** On **February 21, 2023**, based on an agreement or stipulation of the parties to accept electronic service and/or CCP §1010.6(e), I caused said document(s) to be sent via electronic mail to the email addresses listed below from my email address: [serena@whk-law.com](mailto:serena@whk-law.com).

Harriet A. Steiner, Esq. James Gilpin, Esq. Christopher Diaz, Esq. BEST BEST & KRIEGER LLP 500 Capitol Mall, Suite 1700 Sacramento, CA 95814 Tel: (916) 325-4000 Fax: (916) 325-4010 <b><i>Attorneys for Defendant Town of Hillsborough</i></b>	<a href="mailto:harriet.steiner@bbklaw.com">harriet.steiner@bbklaw.com</a> <a href="mailto:James.Gilpin@bbklaw.com">James.Gilpin@bbklaw.com</a> <a href="mailto:Christopher.Diaz@bbklaw.com">Christopher.Diaz@bbklaw.com</a> <a href="mailto:Jannine.South@bbklaw.com">Jannine.South@bbklaw.com</a>
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on **February 21, 2023** at San Francisco, California.

By: *Serena L. Broussard*  
Serena L. Broussard