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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**

10  
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 DAVID  
MARQUARDT 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, David Marquardt, 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. I joined this suit at its inception after attending several Town Council meetings on  
4 water rates and speaking to John Lockton about my concerns with their legality. I opted to join in  
5 this lawsuit when it became apparent that our political efforts to get the Town to acknowledge the  
6 issues with its water rates was not working. In fact, I was involved in the litigation even before it  
7 was filed, in assisting John Lockton with getting counsel up to speed on the various issues with the  
8 Town's rates.

9 4. During the years that this lawsuit has been pending, I have continued to remain  
10 closely involved with it. To that end, I have reviewed the Town's water rate and drought records  
11 to assist counsel in understanding them, I have reviewed all of plaintiffs' filings in the case as well  
12 as those of the Town, I have met with friends, neighbors, and members of the community to  
13 discuss the lawsuit and answer questions, I have attended court hearings, a settlement conference,  
14 and mediation, and I have been involved in the settlement discussions thereafter. Over the years, I  
15 estimate that I have dedicated over 80 hours of my own time in pursuit of this case.

16 6. During the course of this lawsuit, I have received extensive condemnation from  
17 some very vocal members in our community who did not support our cause. A newspaper article  
18 was written on our case in the San Jose Mercury News and it was a photo of my house (and name)  
19 that were featured in the article. This meant that much of the feedback (good and bad) from the  
20 article was directed towards me. While this pressure of the course of many years caused me a  
21 significant amount of stress, it did not deter me in my efforts to seek the best result possible for the  
22 class.

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

25  
26  
27  
28

Dated: Feb 14, 2023

By: DFMarquardt  
DFMarquardt (Feb 14, 2023 13:56 MST)  
David Marquardt







# Hillsborough - Declaration to Sign

Final Audit Report

2023-02-14

Created:	2023-02-14
By:	Beau Burbidge (beau@burbidgemitchell.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAShX2hxtpanuX3EN6MEYbVWxiMkFcWiKd

## "Hillsborough - Declaration to Sign" History

-  Document created by Beau Burbidge (beau@burbidgemitchell.com)  
2023-02-14 - 6:51:44 PM GMT- IP address: 65.181.55.114
-  Document emailed to david@marqhome.com for signature  
2023-02-14 - 6:51:54 PM GMT
-  Email viewed by david@marqhome.com  
2023-02-14 - 8:55:18 PM GMT- IP address: 66.210.44.101
-  Signer david@marqhome.com entered name at signing as DFMarquardt  
2023-02-14 - 8:56:04 PM GMT- IP address: 66.210.44.101
-  Document e-signed by DFMarquardt (david@marqhome.com)  
Signature Date: 2023-02-14 - 8:56:06 PM GMT - Time Source: server- IP address: 66.210.44.101
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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 DAVID MARQUARDT 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.

**[X] [X] 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 <i>Attorneys for Defendant Town of Hillsborough</i>	<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