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8 Attorneys for Plaintiffs and Petitioners

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

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

BRAD BARUH, KATHY BARUH,  
CHARLES BOLTON, ELDRIDGE GRAY,  
JOHN LOCKTON, DAVID MARQUARDT,  
PAUL ROCHESTER, ARTHUR  
STROMBERG, CHARLES SYERS,  
individually and on behalf of all others  
similarly situated,

Plaintiffs and Petitioners,

v.

TOWN OF HILLSBOROUGH and DOES 1 –  
100, inclusive,

Defendants and Respondents.

Case No.: 16CIV02284

**DECLARATION OF TAYLOR MITZNER  
ON BEHALF OF SETTLEMENT  
ADMINISTRATOR  
WITH RESPECT TO CLASS NOTICE, OPT  
OUTS AND OBJECTIONS**

**Date:** ~~March 20, 2023~~ 8/14/2023  
**Time:** 3:00 p.m.  
**Dept.:** Hon. V. Raymond Swope  
Dept. 23

1 **DECLARATION OF TAYLOR MITZNER**

2 I, Taylor Mitzner, declare as follows:

3 1. I am a Case Manager at Phoenix Settlement Administrators (PSA), the Court-  
4 appointed Class Action Settlement Administrator for *Brad Baruh, et al. v. Town of Hillsborough*. I  
5 have personal knowledge of the facts stated herein and, if called upon to testify, I could and would  
6 testify competently to such facts.

7 2. PSA was selected by the Parties to provide notice of the Settlement and class  
8 administration duties in this action. Pursuant to the Settlement Agreement for this matter, PSA was  
9 responsible for (i) preparing, printing, and mailing the *Notice of Class Action Settlement, Opt-Out*  
10 *Form*, and *Objection Form* (herein referred to collectively as the “Notice Packet”); (ii) establishing  
11 a website at [www.hillsboroughclassaction.com](http://www.hillsboroughclassaction.com) for posting the long-form *Notice of Pending Class*  
12 *Action Settlement*, allowing Class Members to submit an Opt-Out and Objection, and allowing  
13 Unknown Class Members to submit a Refund Claim; (iii) publishing a publication notice in the San  
14 Mateo Daily Journal; (iv) responding to inquiries from Class Members; (v) determining the validity  
15 of opt-outs; (vi) calculating the Net Settlement Amount and the Individual Settlement payments;  
16 (vii) issuing the Individual Settlement Payment checks and distributing them to Participating Class  
17 Members; (viii) issuing the payment to Class Counsel for attorneys’ fees and costs, the Enhancement  
18 check to Named Plaintiff, and the employer/employee payroll taxes to the appropriate taxing  
19 authorities; and (viii) such other tasks as set forth in the Agreement or as the Parties mutually agree  
20 or as the Court orders.

21 3. On September 7, 2021, PSA received a data file from Defense Counsel that contained  
22 names, last known mailing addresses, and net refund amount for each Class Member during the  
23 period from June 28, 2015 to April 30, 2017 (“Refund Period”). The final class list contained three  
24 thousand eighty-three (3,083) Class Members.

25 4. On September 2, 2022, PSA conducted a National Change of Address (NCOA)  
26 search in an attempt to update the class list of addresses as accurately as possible. A search of this  
27 database provides updated addresses for any individual who has moved in the previous four (4)  
28 years and notified the U.S. Postal Service of their change of address.

1           5.       On September 6, 2022, PSA mailed the Notice Packet via U.S. first class mail, in  
2 English to all three thousand eighty-three (3,083) Class Members on the Class List. A true and  
3 correct copy of the mailed Notice Packet is attached hereto as **Exhibit A**. Also on this date, the  
4 settlement website, [www.hillsboroughclassaction.com](http://www.hillsboroughclassaction.com), went live.

5           6.       Due to delays on the turnaround time from the San Mateo Daily Journal, the first run  
6 of the publication notice was posted on September 13, 2022. The publication was run a second time  
7 on September 20, 2022. Attached hereto as **Exhibit B** is a true and correct copy of the publication.

8           7.       As of the date of this declaration, seventy-one (71) Notice Packets have been returned  
9 to PSA. None were returned with a forwarding address. For the seventy-one (71) Notice Packets  
10 returned from the Post Office without a forwarding address, PSA attempted to locate a current  
11 mailing address using TransUnion TLOxp, one of the most comprehensive address databases  
12 available for skip tracing. Of the seventy-one (71) Notice Packets that were skip traced, forty-two  
13 (42) updated addresses were obtained and the Notice Packet was promptly re-mailed to those Class  
14 Members via first class mail.

15          8.       Based on the foregoing actions taken, PSA has fully complied with Paragraph 8 of  
16 the parties' Settlement Agreement as well as this Court's Preliminary Approval Order.

17          9.       As of the date of this declaration, thirty-two (32) Notice Packets are considered  
18 undeliverable. Specifically, twenty-nine (29) Notice Packets are undeliverable since an updated  
19 address could not be obtained, and three (3) were returned a second time after being re-mailed.

20          10.       As of the date of this declaration, PSA has received eighteen (18) Opt-Out Forms.  
21 The deadline for Class Members to submit an Opt-Out was November 15, 2022. One (1) Class  
22 Member reached out to PSA after returning an Opt-Out Form requesting to rescind it; therefore,  
23 there is a final total of seventeen (17) valid Opt-Outs. A list of those class members who have  
24 provided valid Opt-Outs is attached hereto as **Exhibit C**.

25          11.       As of the date of this declaration, PSA has received nine (9) timely Objection Forms  
26 from Class members. The deadline for Class Members to submit an Objection to the Settlement  
27 was November 15, 2022. True and correct copies of those nine (9) Objection Forms are attached  
28 hereto as **Exhibit D**.

1           12.     As of the date of this declaration, PSA has received zero (0) disputes from Class  
2 Members. The deadline for Class Members to submit a dispute was November 15, 2022.

3           13.     As of the date of this declaration, PSA has received seven (7) Refund Claim Forms.  
4 Upon review, it was determined that the seven (7) Refund Claim Forms received were submitted by  
5 existing Class Members.

6           14.     There are three thousand sixty-six (3,066) Class Members who did not submit valid  
7 Opt-Outs and are therefore deemed Settlement Class Members, representing 99.45% of the Class.  
8 The total Refund Amount claimed by the Settlement Class Members is \$771,386.38. The Refund  
9 Amounts are considered 100% reimbursement and will not be subject to any tax deductions.

10          15.     The total Settlement fund in this case is \$1,229,329.00 This includes the estimated  
11 Class Counsel Fees (\$400,000.00), Class Counsel Costs (\$20,000.00), Class Representative Awards  
12 (\$8,000 each to Lockton and Marquardt, and \$5,000 each to Bolton, Rochester, and Syers) totaling  
13 \$31,000.00, and the claimed Refund Amounts of \$771,386.38. The \$7,942.62 that is not payable for  
14 refunds due to the Opt-Outs will be designated for the *cy pres* recipient, pending Court approval of  
15 that recipient.

16          16.     PSA's costs associated with the administration of this matter are \$25,000.00. This  
17 includes all costs incurred to date, as well as estimated costs involved in completing the settlement  
18 distribution. Pursuant to the terms of the Settlement, the administration fees will be paid by  
19 Defendant separately from the Settlement Fund. A true and correct copy of the invoice from PSA is  
20 attached hereto as **Exhibit E**.

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

23           Executed this 6<sup>th</sup> day of February 2023, at Orange, California.

24  
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\_\_\_\_\_  
TAYLOR MITZNER

# **Exhibit A**

«PSA\_ID»

**LEGAL NOTICE BY ORDER OF THE COURT** «Pre\_Sort\_Tray\_ID»

«Pre\_Sort\_Order»

***This Noticed was authorized by the San Mateo County Superior Court.***

***It is not a solicitation from a lawyer.***

*Baruh et al. v. Town of Hillsborough*

San Mateo County Superior Court Case No. 16CIV02284

## **Notice of Class Action Settlement**

**IF YOU WERE A DOMESTIC WATER CUSTOMER OF THE TOWN OF HILLSBOROUGH DURING THE PERIOD JUNE 28, 2015 THROUGH APRIL 30, 2017, YOUR RIGHTS MAY BE AFFECTED BY THE SETTLEMENT OF THE CLASS ACTION LAWSUIT.**

This Notice advises you of your rights to participate in a proposed class action settlement (“Settlement”) with the Town of Hillsborough (“Hillsborough”). The class action lawsuit was filed in 2016 against Hillsborough and is currently pending in the Superior Court of California for the County of San Mateo. The lawsuit contends that the drought penalties adopted by Hillsborough in Ordinance No. 725 violate the procedural and substantive requirements of Proposition 218, and that the water rates during the period June 28, 2015 through April 30, 2017, including those adopted by Hillsborough in Ordinance No. 731, do not comply with Proposition 218 (collectively the “Claims”). Hillsborough has vigorously defended the lawsuit and the Settlement represents a compromise of highly-contested issues.

Under the terms of the Settlement, Hillsborough will pay refunds to domestic water customers who paid Tier 3, 4, or 5 rates for water between June 28, 2015 through April 30, 2017 (the “Refund Period”), based upon the difference between the rate paid for Tiers 3, 4, & 5 water and \$11.09/hcf during Rate Stabilization Period (February 10, 2016 - November 16, 2016) and \$9.06/hcf during the rest of the Refund Period.

***Under the terms of the Settlement, the amount of your refund is calculated to be*** **«Est\_Set\_Amt»**. Unless you choose to opt-out of the Settlement, this amount will be paid to you automatically and you do not need to take any further action. Your payment will be issued after the Court has held a Fairness Hearing (described below) and given final approval to the Settlement.

Additionally, under the terms of the Settlement the claims related to Hillsborough’s drought penalties will be dismissed with prejudice and class members will release all rights, claims, and actions arising out of or relating to the water rate claims, including those claims arising from Ordinance No. 731. Hillsborough has also agreed to pay up to **\$450,000.00** for attorneys’ fees, for expenses incurred by the plaintiffs, and for service awards to the class representatives. The Settlement is subject to Court approval and the full Settlement Agreement is available at: [www.hillsboroughclassaction.com](http://www.hillsboroughclassaction.com).

If you do not wish to be part of the Settlement or receive a refund, you may choose to opt-out of the Settlement. Additionally, you have the right to object to the Settlement or any portion of the Settlement. For more information on opting out of the Settlement or objecting to the Settlement, please go to [www.hillsboroughclassaction.com](http://www.hillsboroughclassaction.com) and review the Long Form Class Notice posted there.

The Court has preliminarily approved the Settlement and has scheduled a Fairness Hearing for March 20, 2023, at 3:00 p.m., in Department 23 of the San Mateo Superior Court, 400 County Center, Redwood City, California 94063. At the Fairness Hearing, the court will make a final determination whether the Settlement is fair, adequate and reasonable; and will also consider Class Counsel's request for attorney's fees and expenses and the request for a service award to the Class Representatives.

### **MORE INFORMATION**

This is a Short Form Notice that provides only partial information regarding the Settlement. A Long Form Class Notice with more details about the Settlement Agreement, the deadlines and procedures can be found on the internet at [www.hillsboroughclassaction.com](http://www.hillsboroughclassaction.com).

### **PLEASE DO NOT CALL THE COURT OR HILLSBOROUGH FOR ADDITIONAL INFORMATION OR ADVICE.**

If you have additional questions, you may contact your own attorney, the Claims Administrator, or Class Counsel. The claims administrator can be contact at the following number: (800) 523-5773.

Class Counsel can be contacted at the following address:

WALKER, HAMILTON & KOENIG, LLP  
Beau R. Burbidge  
[bburbidge@whk-law.com](mailto:bburbidge@whk-law.com)  
50 Francisco Street, Ste. 460  
San Francisco, CA 94133  
Telephone: (415) 986-3339

«PSA\_ID»

«Pre\_Sort\_Tray\_ID»

«Pre\_Sort\_Order»

**OPT-OUT FORM**

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

**This is NOT a Claim Form. It EXCLUDES you from this Class Action.**  
**DO NOT use this Form if you wish to remain IN this Class Action.**

**NAME:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_  
(Your current address)

**PROPERTY ADDRESS:** \_\_\_\_\_  
(Where your domestic water service is/was received.)

*I understand that by opting out of this Class Action, I will be excluded from the settlement in the above-captioned case. I understand I will not receive money from the class settlement. I understand that by signing this side of the form, I voluntarily choose to “opt out” of the proposed Settlement of this Class Action. I understand that by opting out, I may not accept any money allocated for me in the proposed Settlement. On the other hand, I also understand that if I wish to assert any claims related to those set forth in this lawsuit, I will have to do so separately. I understand that any such claims are subject to strict time limits, known as statutes of limitations, which restrict the time within which I may file any such action. I understand that I should consult with an attorney if I wish to obtain advice regarding my rights with respect to this Settlement or my choice to opt out of the Settlement.*

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature

**This form must be postmarked to the claims administrator NO LATER THAN  
NOVEMBER 15, 2022, at the addresses below, or else you will lose your right to opt out.**

Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863  
Telephone: (800) 523-5773  
Email: notice@phoenixclassaction.com



**OBJECTION FORM**

<b>San Mateo County Superior Court</b>	
<b>Case Name: <i>Baruh v. Town of Hillsborough</i></b>	<b>OBJECTION TO CLASS SETTLEMENT</b>
<b>Case No. 16CIV02284</b>	

**IF YOU WISH TO OBJECT TO THE CLASS SETTLEMENT, YOU MUST COMPLETE AND SUBMIT THIS FORM TO THE CLAIMS ADMINISTRATOR AT THE FOLLOWING ADDRESS NO LATER THAN NOVEMBER 15, 2022:**

Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

**The Claims Administrator shall file your objection no later than November 15, 2022.**

<b>REQUIRED INFORMATION</b>	
<b>YOUR NAME:</b>	
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS SETTLEMENT INCLUDING LEGAL AUTHORITY:</b> (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).)	
<b>Dated:</b> _____	<b>By:</b> _____

## **Exhibit B**

**NOTICE: IF YOU WERE A DOMESTIC WATER CUSTOMER OF THE TOWN OF HILLSBOROUGH DURING THE PERIOD JUNE 28, 2015 THROUGH APRIL 30, 2017, YOUR RIGHTS MAY BE AFFECTED BY THE SETTLEMENT OF THE CLASS ACTION LAWSUIT. GO TO [WWW.HILLSBOROUGHCLASSACTION.COM](http://WWW.HILLSBOROUGHCLASSACTION.COM) FOR MORE INFORMATION.**

This Notice advises you of your rights to participate in a proposed class action settlement with the Town of Hillsborough. The class action lawsuit was filed in 2016 against Hillsborough and is currently pending in the Superior Court of California for the County of San Mateo. The Lawsuit contends that the Drought Penalties adopted by Hillsborough in Ordinance No. 725 violate the procedural and substantive requirements of Proposition 218 and that the Water Rates during the period June 28, 2015 through April 30, 2017, including those adopted by Hillsborough in Ordinance No. 731, do not comply with Proposition 218. Hillsborough has vigorously defended the Lawsuit and the Settlement represents a compromise of highly-contested issues.

Under the terms of the Settlement, Hillsborough will pay refunds to domestic water customers who paid Tier 3, 4, or 5 rates for water between June 28, 2015 through April 30, 2017 (the “Refund Period”), based upon the difference between the rate paid for Tiers 3, 4, & 5 water and \$11.09/hcf during Rate Stabilization Period (February 10, 2016 - November 16, 2016) and \$9.06/hcf during the rest of the Refund Period. Hillsborough has agreed to create a Settlement Fund of **\$779,329.00** designated for customer refunds pursuant to the formula described above. Estimated customers refunds range as follows :

<b>Refund Range</b>	<b>Estimated Number of Customers</b>
\$1-\$250	2,402
\$251-\$500	347
\$501-\$1,000	210
\$1,001-\$2,500	115
\$2,501-\$5,000	40
\$5,001-\$10,000	10
Over \$10,001	2
<b>Total</b>	<b>3,126</b>

Additionally, under the terms of the Settlement the claims related to the Drought Penalties will be dismissed with prejudice and class members will release all rights, claims, and actions arising out of, or relating to the water rate claims, including those claims arising from Ordinance No. 731. Hillsborough has also agreed to pay up to **\$450,000.00** for attorneys’ fees, for expenses incurred by the Plaintiffs, and for service awards to the Class Representatives. Unclaimed refunds will be paid to the following organization as a *cy pres* recipient: Water Education Foundation. The Settlement is subject to Court approval and the full Settlement Agreement is available at: [www.hillsboroughclassaction.com](http://www.hillsboroughclassaction.com).

## **MAKING A REFUND CLAIM**

If you were a domestic water customer of the Town of Hillsborough during the period June 28, 2015, through April 30, 2017, your rights may be affected by this Settlement. If you received a Notice of this Settlement in the mail, a refund will be issued you automatically and you do not need to take further action. However, if you were a customer during the Refund Period and have not received a Notice in the mail, you will need to submit a Claim Form in order to be eligible for a refund. To learn about your rights, your ability to receive a refund, and to make a claim, please go to [www.hillsboroughclassaction.com](http://www.hillsboroughclassaction.com) or contact the Settlement claims administrator at PO Box 7208, Orange, CA 92863, telephone: (800) 523-5773. ***All claims must be submitted no later than November 15, 2022.***

## **OTHER OPTIONS**

Members of the class also have the option to opt out of the Settlement. By opting out, Class members will not receive a refund and will not be bound by the Settlement. Additionally, Class members may object to the Settlement or to Plaintiffs' request for attorneys' fees, expenses, or service awards to the class representatives. For more information on opting out or objecting to the Settlement, please go to [www.hillsboroughclassaction.com](http://www.hillsboroughclassaction.com) or contact the Settlement claims administrator at PO Box 7208, Orange, CA 92863, telephone: (800) 523-5773. ***All opt outs and objections must be submitted no later than November 15, 2022.***

## **MORE INFORMATION**

For more information on the Settlement, your options, and important deadlines, please go to [www.hillsboroughclassaction.com](http://www.hillsboroughclassaction.com) or contact the Settlement claims administrator at PO Box 7208, Orange, CA 92863, telephone: (800) 523-5773.

## **Exhibit C**

**Names of Opt Outs**

---

Dorothy R. Appleby

James Borden

Adeline Cheung

Joshua Cooperman

Marc And Susan Desautels

Herline Felicia Goutama

John Iocco

Paul Kullukian

Irene Leong

Roman Margolin

Laurence May

Philip Mcleod

Fred Naderi

Barbara Patterson

Mary Jane Saidy

Judith F Wilbur

John Chi-Chong Yao

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## **Exhibit D**



**OBJECTION FORM**

<b>San Mateo County Superior Court</b>	
<b>Case Name: <i>Baruh v. Town of Hillsborough</i></b>	<b>OBJECTION TO CLASS SETTLEMENT</b>
<b>Case No. 16CIV02284</b>	

**IF YOU WISH TO OBJECT TO THE CLASS SETTLEMENT, YOU MUST COMPLETE AND SUBMIT THIS FORM TO THE CLAIMS ADMINISTRATOR AT THE FOLLOWING ADDRESS NO LATER THAN NOVEMBER 15, 2022:**

Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

**The Claims Administrator shall file your objection no later than November 15, 2022.**

REQUIRED INFORMATION	
<b>YOUR NAME:</b>	<i>Toni Bones</i>
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	[REDACTED]
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	[REDACTED]
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>unsure</i>	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS SETTLEMENT INCLUDING LEGAL AUTHORITY:</b> (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).)	
<i>I own a water system in San Joaquin county + have tenants in the state &gt;50 who I sub-meter water for. I must be transparent via HCD + not profit from sub-metering. We pay too much already</i>	
<b>Dated:</b> <u><i>10.17.22</i></u>	<b>By:</b> <u><i>Toni Bones</i></u>





**OBJECTION FORM**

<b>San Mateo County Superior Court</b>	
<b>Case Name: <i>Baruh v. Town of Hillsborough</i></b>	<b>OBJECTION TO CLASS SETTLEMENT</b>
<b>Case No. 16CIV02284</b>	

**IF YOU WISH TO OBJECT TO THE CLASS SETTLEMENT, YOU MUST COMPLETE AND SUBMIT THIS FORM TO THE CLAIMS ADMINISTRATOR AT THE FOLLOWING ADDRESS NO LATER THAN NOVEMBER 15, 2022:**

Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

**The Claims Administrator shall file your objection no later than November 15, 2022.**

<b>REQUIRED INFORMATION</b>	
<b>YOUR NAME:</b>	<i>MIKE IRIS CHAN</i>
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	[REDACTED]
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	[REDACTED]
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS SETTLEMENT INCLUDING LEGAL AUTHORITY:</b> (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).)	
<i>Mike Chan</i>	
<b>Dated:</b> <u>10/16/22</u>	<b>By:</b> _____



**OBJECTION FORM**

<b>San Mateo County Superior Court</b>	
<b>Case Name: <i>Baruh v. Town of Hillsborough</i></b>	<b>OBJECTION TO CLASS SETTLEMENT</b>
<b>Case No. 16CIV02284</b>	

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Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

**The Claims Administrator shall file your objection no later than November 15, 2022.**

REQUIRED INFORMATION	
<b>YOUR NAME:</b>	<i>Ann Dickinson Michael Mahoney</i>
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS SETTLEMENT INCLUDING LEGAL AUTHORITY:</b> (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).)	
<i>The plaintiffs do not represent my interests. I have received terrible water service and have complained to no avail. We are not large water users as I believe the plaintiffs are. The settlement does not resolve the issue of rate setting for the town, it merely defers real management and future lawsuits.</i>	
<b>Dated:</b> <u><i>11-13-2022</i></u>	<b>By:</b> <u><i>Ann Dickinson Mahoney</i></u> <u><i>Michael Mahoney</i></u>



**OBJECTION FORM**

<b>San Mateo County Superior Court</b>	
<b>Case Name: <i>Baruh v. Town of Hillsborough</i></b>	<b>OBJECTION TO CLASS SETTLEMENT</b>
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Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

**The Claims Administrator shall file your objection no later than November 15, 2022.**

<b>REQUIRED INFORMATION</b>	
<b>YOUR NAME:</b>	ROGER PESSALT
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	[REDACTED]
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	[REDACTED]
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS SETTLEMENT INCLUDING LEGAL AUTHORITY:</b> (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).)	
<b>Dated:</b> 9/29/22	<b>By:</b> ROGER PESSALT



From: Judy Solinsky [REDACTED]

Date: Nov 13, 2022 at 4:29:34 PM

To: Judy Solinsky [REDACTED]

<https://www.hillsboroughtogether.com/uploads/short-url/hjaZKksfYVf2hMtFzNex17RE8Cc.pdf>

**OBJECTION FORM**

<b>San Mateo County Superior Court</b>	
Case Name: <i>Baruh v. Town of Hillsborough</i>	<b>OBJECTION TO CLASS SETTLEMENT</b>
Case No. 16CIV02284	

**IF YOU WISH TO OBJECT TO THE CLASS SETTLEMENT, YOU MUST COMPLETE AND SUBMIT THIS FORM TO THE CLAIMS ADMINISTRATOR AT THE FOLLOWING ADDRESS NO LATER THAN NOVEMBER 15, 2022:**

Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

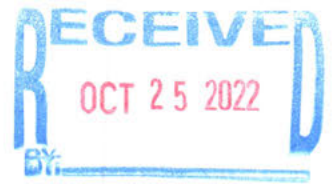
The Claims Administrator shall file your objection no later than November 15, 2022.

<b>REQUIRED INFORMATION</b>	
<b>YOUR NAME:</b>	<i>Judith Solinsky</i>
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	[REDACTED]
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	<i>Same as above</i>
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS</b>	

**SETTLEMENT INCLUDING LEGAL AUTHORITY:** (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).)

**Dated:** Jan 27, 2014

**By:** John R. Reilly



**OBJECTION FORM**

<b>San Mateo County Superior Court</b>	
<b>Case Name: <i>Baruh v. Town of Hillsborough</i></b>	<b>OBJECTION TO CLASS SETTLEMENT</b>
<b>Case No. 16CIV02284</b>	

**IF YOU WISH TO OBJECT TO THE CLASS SETTLEMENT, YOU MUST COMPLETE AND SUBMIT THIS FORM TO THE CLAIMS ADMINISTRATOR AT THE FOLLOWING ADDRESS NO LATER THAN NOVEMBER 15, 2022:**

Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

**The Claims Administrator shall file your objection no later than November 15, 2022.**

<b>REQUIRED INFORMATION</b>	
<b>YOUR NAME:</b>	WILLIAM STEW
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	[REDACTED]
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	[REDACTED]
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS SETTLEMENT INCLUDING LEGAL AUTHORITY:</b> (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).)	
ATTACHED	
<b>Dated:</b> <u>10/17/2022</u>	<b>By:</b>

# Baruh v. Town of Hillsborough

Case Number 16CIV02284

## Objection to Class Settlement

(1) I request the court reject this proposed agreement as not being in the interests of the "Rate Ordinance" class. The current proposed settlement agreement does not resolve the issues proposed in the plaintiff's lawsuit and at least one of the "Rate Class Representatives" has already threatened to file a lawsuit against the Town of Hillsborough for similar issues relating to the (new) 2022 water rate proposal review.

Evidence -

Quote from the minutes of the Hillsborough City Council meeting on Monday October 10, 2022 -

"PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(4)

Town as Plaintiff – One Potential Case

Oral Threat of Litigation Made by Mr. John Lockton at the September 26, 2022 City Council Meeting Regarding the Proposed Water Rates"

Mr. Lockton was one of the original plaintiffs in the water rate litigation that the Town and plaintiffs attorneys are proposing to settle. The threat of new litigation was specifically directed at the **new** water rate proposal currently being discussed.

So, if we accept the settlement proposal, and pay the plaintiffs attorneys (and plaintiffs) some or all of the \$450,000 settlement, at least one of them has threatened to take that money and turn around to sue the Town again for a similar, if not identical reason.

The current settlement agreement does not seem to be in the best interests of the members of the class who live in Hillsborough and will be burdened with this continuing cost.

I request the court reject this proposed agreement as not being in the interests of the "Rate Ordinance" class, and encourage the court to require a settlement agreement to resolve the rate issue once and for all.

(2) I object to the \$450,000 settlement amount for attorney fees and expenses, and service awards for the Class Representatives. This was basically a frivolous lawsuit and rewarding the plaintiffs attorney and Class Representatives with this unreasonable award will burden the Town's ratepayer, including members of the "Rate Ordinance Class."

Thank you,

A handwritten signature in black ink, appearing to be 'W Stein', with a long horizontal line extending to the right.

William Stein  
2715 Ralston Ave.  
Hillsborough, CA 94010



**OBJECTION FORM**

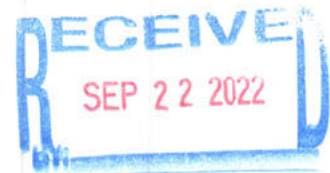
<b>San Mateo County Superior Court</b>	
<b>Case Name: <i>Baruh v. Town of Hillsborough</i></b>	<b>OBJECTION TO CLASS SETTLEMENT</b>
<b>Case No. 16CIV02284</b>	

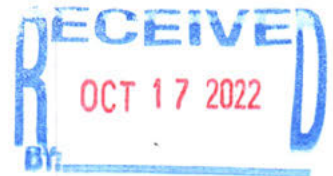
**IF YOU WISH TO OBJECT TO THE CLASS SETTLEMENT, YOU MUST COMPLETE AND SUBMIT THIS FORM TO THE CLAIMS ADMINISTRATOR AT THE FOLLOWING ADDRESS NO LATER THAN NOVEMBER 15, 2022:**

Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

**The Claims Administrator shall file your objection no later than November 15, 2022.**

<b>REQUIRED INFORMATION</b>	
<b>YOUR NAME:</b>	<u>Janis Stoner</u>
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	[REDACTED]
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	[REDACTED]
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b> <input checked="" type="radio"/> Yes <input type="radio"/> No	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS SETTLEMENT INCLUDING LEGAL AUTHORITY:</b> (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).) The \$450,000 to be paid to the plaintiff's attorney is too high. The settlement each of us will receive is pennies. The plaintiffs should never have brought this suit and the money the Town has had to spend is ridiculous. The suit should be dismissed and the plaintiffs should pay the Town's legal fees.	
<b>Dated:</b> <u>September 21st, 2022</u>	<b>By:</b> <u>Jan Stoner</u> _____





**OBJECTION FORM**

<b>San Mateo County Superior Court</b>	
<b>Case Name: <i>Baruh v. Town of Hillsborough</i></b>	<b>OBJECTION TO CLASS SETTLEMENT</b>
<b>Case No. 16CIV02284</b>	

**IF YOU WISH TO OBJECT TO THE CLASS SETTLEMENT, YOU MUST COMPLETE AND SUBMIT THIS FORM TO THE CLAIMS ADMINISTRATOR AT THE FOLLOWING ADDRESS NO LATER THAN NOVEMBER 15, 2022:**

Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

**The Claims Administrator shall file your objection no later than November 15, 2022.**

REQUIRED INFORMATION	
<b>YOUR NAME:</b>	<i>VESSICA SWARTZ</i>
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	[REDACTED]
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	[REDACTED]
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS SETTLEMENT INCLUDING LEGAL AUTHORITY:</b> (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).)	
<i>SEE ATTACHED PAGE</i>	
<b>Dated:</b> <u><i>10-00-22</i></u>	<b>By:</b> <u><i>Juan Swartz</i></u>

Tuesday, October 11, 2022

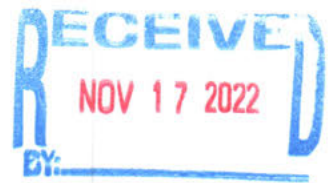
## Nature of objections to Class Action Settlement

Case No. 16CIV02284

- The plaintiffs do not represent "the class." I am an unwilling member of "the class" and they are not representing my interests. I believe the plaintiffs are disproportionately large water users and not representative of the great majority of more conservative (water use) households.
- The settlement does not resolve the question of how rates can be set in a manner that discourages future lawsuits. This seems like a waste of the court's time and the Town's dollars since recent explicit recorded action by one of the plaintiffs suggests this lawsuit will just be repeated again.
- The settlement disproportionately benefits the plaintiffs and plaintiff's attorneys. I don't think \$450,000 dollars is a reasonable cost for a process that resolved nothing.

Vesna Swartz

OCTOBER 11, 2022



**OBJECTION FORM**

<b>San Mateo County Superior Court</b>	
Case Name: <i>Baruh v. Town of Hillsborough</i>	<b>OBJECTION TO CLASS SETTLEMENT</b>
Case No. 16CIV02284	

**IF YOU WISH TO OBJECT TO THE CLASS SETTLEMENT, YOU MUST COMPLETE AND SUBMIT THIS FORM TO THE CLAIMS ADMINISTRATOR AT THE FOLLOWING ADDRESS NO LATER THAN NOVEMBER 15, 2022:**

Phoenix Settlement Administrators  
PO Box 7208  
Orange, CA 92863

**The Claims Administrator shall file your objection no later than November 15, 2022.**

REQUIRED INFORMATION	
<b>YOUR NAME:</b>	<i>Joyce Bernar - Yung</i>
<b>MAILING ADDRESS:</b> (Where you wish to be contacted)	[REDACTED]
<b>PROPERTY ADDRESS:</b> (Where you received water service from the Town of Hillsborough between June 28, 2015 through April 30, 2017)	[REDACTED]
<b>DO YOU INTEND TO APPEAR AT THE FAIRNESS HEARING?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>STATE THE NATURE OF ANY OBJECTION(S) YOU HAVE TO THE CLASS SETTLEMENT INCLUDING LEGAL AUTHORITY:</b> (You may attach additional pages if necessary. You may also submit any evidence in support of your objection(s).)	
<i>I object to this class settlement because it still remains unclear what my water rate will be going forward. My understanding is that this settlement will cost me more as a homeowner and our town is still disputing inter.</i>	
<b>Dated:</b> <i>11/21/2022</i>	<b>By:</b> <i>[Signature]</i>

## **Exhibit E**



# PHOENIX

CLASS ACTION ADMINISTRATION SOLUTIONS

## CASE ASSUMPTIONS

Class Members	3,083
Opt Out Rate	1%
Opt Outs Received	17
Total Class Claimants	3,066
Subtotal Admin Only	<b>\$26,981.01</b>

## INVOICE

**\$25,000.00**

**February 6, 2023**

### Case: Baruh et al. v. Town of Hillsborough , Opt-Out Administration

#### Case & Database Setup / Toll Free Setup & Call Center / NCOA (USPS)

Administrative Tasks:	Rate	Hours/Units	Line Item Estimate
Programming Manager	\$100.00	4	\$400.00
Programming Database & Setup	\$100.00	4	\$400.00
Toll Free Setup*	\$150.00	1	\$150.00
Call Center & Long Distance	\$2.50	527	\$1,317.50
NCOA (USPS)	\$781.50	1	\$781.50
<b>Total</b>			<b>\$3,049.00</b>

\* Up to 120 days after disbursement

#### Data Merger & Scrub / Notice Packet, Opt-Out Form & Postage / Website / Publication

Project Action	Rate	Hours/Units	Line Item Estimate
Notice Packet Formatting	\$100.00	2	\$200.00
Data Merge & Duplication Scrub	\$0.10	3,083	\$308.30
Notice Packet & Opt-Out Form	\$1.35	3,083	\$4,162.05
Estimated Postage (up to 2 oz.)*	\$0.50	3,083	\$1,541.50
Static Website	\$500.00	1	\$500.00
Publication in the San Mateo Daily Joun. 5x7 Ad, Run Twice, 7 Days Apart	\$980.00	2	\$1,960.00
Check Cashing Reminder Postcard Postage Included	\$0.60	644	TBD
<b>Total</b>			<b>\$8,671.85</b>

#### Skip Tracing & Remailing Notice Packets / Tracking & Programming Undeliverables

Project Action:	Rate	Hours/Units	Line Item Estimate
Case Associate	\$55.00	9	\$495.00
Skip Tracing Undeliverables	\$0.85	71	\$60.35
Remail Notice Packets	\$0.90	42	\$37.80
Estimated Postage	\$0.53	42	\$22.26
Programming Undeliverables	\$50.00	1	\$50.00
<b>Total</b>			<b>\$665.41</b>

<b>Database Programming / Processing Opt-Outs, Deficiencies or Disputes</b>				
<b>Project Action:</b>	<b>Rate</b>	<b>Hours/Units</b>	<b>Line Item</b>	<b>Estimate</b>
Programming Claims Database	\$150.00	2		\$300.00
Non Opt-Out Processing	\$200.00	1		\$200.00
Case Associate	\$55.00	9		\$495.00
Opt-Outs/Deficiency/Dispute Letters	\$10.00	103		\$1,030.00
Case Manager	\$85.00	7		\$595.00
		<b>Total</b>		<b>\$2,620.00</b>

<b>Calculation &amp; Disbursement Programming/ Create &amp; Manage QSF/ Mail Checks</b>				
<b>Project Action:</b>	<b>Rate</b>	<b>Hours/Units</b>	<b>Line Item</b>	<b>Estimate</b>
Programming Calculations	\$135.00	3		\$405.00
Disbursement Review	\$135.00	3		\$405.00
Programming Manager	\$95.00	3		\$285.00
QSF Bank Account & EIN	\$135.00	2		\$270.00
Check Run Setup & Printing	\$135.00	12		\$1,620.00
Mail Class Checks *	\$1.10	3,066		\$3,372.60
Estimated Postage	\$0.50	3,066		\$1,533.00
		<b>Total</b>		<b>\$7,890.60</b>

\* Checks are printed on 8.5 x 11 in. sheets with W2/1099 Tax Filing

<b>Tax Reporting &amp; Reconciliation / Re-Issuance of Checks / Conclusion Reports and Declarations</b>				
<b>Project Action:</b>	<b>Rate</b>	<b>Hours/Units</b>	<b>Line Item</b>	<b>Estimate</b>
Case Supervisor	\$115.00	6		\$690.00
Remail Undeliverable Checks (Postage Included)	\$1.35	429		\$579.15
Case Associate	\$55.00	5		\$275.00
Reconcile Uncashed Checks	\$85.00	6		\$510.00
Conclusion Reports	\$115.00	5		\$575.00
Case Manager Conclusion	\$85.00	6		\$510.00
Final Reporting & Declarations	\$115.00	3		\$345.00
IRS & QSF Annual Tax Reporting * (1 State Tax Reporting Included)	\$600.00	1		\$600.00
Check to Cy-Pres	\$150.00	1		Included
Uncashed Checks to the State of California Contolers Office Estimated <u>19</u> Total Class Members	\$1,000.00	1		TBD
		<b>Total</b>		<b>\$4,084.15</b>

\* All applicable California State & Federal taxes, which include SUI, ETT, and SDI, and FUTA filings. Additional taxes are Defendant's responsibility.

**TOTAL: \$26,981.01**

1 **PROOF OF SERVICE**

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

4  
5 My business address is 50 Francisco Street, Suite 460, San Francisco, California 94133. I  
6 am employed in the County of San Francisco, where this mailing occurs. I am over the age of 18  
7 years and not a party to the within cause. On the date set forth below, I served the foregoing  
8 document(s) described as:

9 **DECLARATION OF TAYLOR MITZNER ON BEHALF OF SETTLEMENT  
10 ADMINISTRATOR WITH RESPECT TO CLASS NOTICE, OPT OUTS AND  
11 OBJECTIONS**

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

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

18 Harriet A. Steiner, Esq. 19 James Gilpin, Esq. 20 Christopher Diaz, Esq. 21 BEST BEST & KRIEGER LLP 22 500 Capitol Mall, Suite 1700 23 Sacramento, CA 95814 24 Tel: (916) 325-4000 25 Fax: (916) 325-4010 26 <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>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

27 I declare under penalty of perjury under the laws of the State of California that the  
28 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