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8 Attorneys for Plaintiffs and Petitioners

9 **SUPERIOR COURT OF CALIFORNIA**

10 **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,
individually and on behalf of all others
similarly situated,

16 Plaintiffs and Petitioners,

17 v.

18 TOWN OF HILLSBOROUGH and DOES 1-
19 100, inclusive,

20 Defendants and Respondents.

Case No. 16CIV02284

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: March 20, 2023

Time: 3:00 p.m.

**Dept.: Hon. V. Raymond Swope
Dept. 23**

21 **TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

22 NOTICE IS HEREBY GIVEN that on March 20, 2023, at 3:00 p.m., in Department 23 of
23 the Superior Court of California, County of San Mateo, located at 400 County Center, Redwood
24 City, CA 94063, Plaintiffs will bring a motion and hereby do move the Court, pursuant to
25 California Rules of Court 3.769, to enter an order (1) granting final approval of the Settlement of
26 the above-entitled class action, and (2) dismissing the Drought Penalty Class; and (3) entering
27 judgment pursuant to Rule of Court 3.769.
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1 This motion is made on the grounds that the proposed Settlement is fair, adequate, and
2 reasonable and in the best interests of the class, that class notice has been provided in compliance
3 with the Court's August 24, 2022 Order Preliminarily Approving Class Action Settlement and
4 Directing Notice to the Class, and that any objections timely submitted should be overruled.

5 This motion is based on this notice of motion, the points and authorities filed herewith; the
6 Declaration of Beau R. Burbidge, filed herewith; the Declaration of Taylor Mitzner, filed
7 herewith; the proposed Order Granting Final Approval of Class Action Settlement, lodged
8 herewith; the concurrently filed Motion for Attorneys' Fees, Costs, and Service Awards, and the
9 papers filed in support thereof; all of the records and files in this case; and any arguments that the
10 Court may hear at the hearing.

11 DATED: February 21, 2023

WALKER, HAMILTON & KEARNS, LLP

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By: Beau R. Burbidge
Beau R. Burbidge
Attorneys for Plaintiffs

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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:

PLAINTIFFS’ NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

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.

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>	harriet.steiner@bbklaw.com James.Gilpin@bbklaw.com Christopher.Diaz@bbklaw.com Jannine.South@bbklaw.com
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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