

MAY 09 2014

Sherri R. Carter, Executive Officer/Clerk
By: Kristina Vargas, Deputy

1 EAGAN AVENATTI, LLP
Michael J. Avenatti, Bar No. 206929
2 Jason M. Frank, Bar No. 190957
Michael Q. Eagan, Bar No. 63479
3 Scott H. Sims, Bar No. 234148
450 Newport Center Drive, Second Floor
4 Newport Beach, CA 92660
Telephone: (949) 706-7000
5 Facsimile: (949) 706-7050

6 Attorneys for Plaintiffs, On Behalf of
Themselves and All Others Similarly Situated
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES- CENTRAL DISTRICT**
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12 ROBERT SCOTT, Individually and On Behalf of
All Others Similarly Situated,

13 Plaintiff,

14 vs.

15 SERVICE CORPORATION INTERNATIONAL,
16 a Texas corporation, SCI CALIFORNIA
FUNERAL SERVICES, INC., a California
17 corporation, EDEN MEMORIAL PARK
MANAGEMENT CO., a California corporation,
18 EDEN MEMORIAL PARK ASSOCIATION, a
California business entity, EDEN MEMORIAL
19 PARK, a California business entity, JAMES R.
BIBY, an individual and DOES 1 through 100.

20 Defendants.
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Case No. BC421528

ASSIGNED FOR APPROVAL OF CLASS
ACTION SETTLEMENT TO:

Hon. Daniel Buckley, Dept. 1

ASSIGNED FOR TRIAL TO:

Hon. Marc Marmaro, Dept. 37

**DECLARATION OF SEAN FRANK IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND APPLICATION FOR
ATTORNEYS' FEES, COSTS AND
INCENTIVE AWARDS TO THE CLASS
REPRESENTATIVES**

*[Plaintiffs' Motion for Final Approval of Class
Action Settlement; Application for Attorneys' Fees,
Costs & Incentive Awards; Declarations of
Michael J. Avenatti, Jason M. Frank, Kenneth Jue,
Dr. David Stewart, Professor Brian Fitzpatrick,
Robert Scott, Rabbi Howard Laibson, Barry
Chapman, Warren Binder, Ivy Greenstein, Linda
Pore, Miriam Sue Roth and Habib Naeim;
[Proposed] Final Approval Order; and
[Proposed] Judgment filed concurrently herewith]*

Date: May 15, 2014

Time: 9:00 a.m.

Dept.: 1

DECLARATION OF SEAN FRANK

I, Sean Frank, declare as follows:

1. I have personal knowledge of the facts set forth herein and could competently testify to them if called as a witness.

2. I am one of the named plaintiffs in the above captioned case, entitled *Robert Scott, et al. v. Service Corporation International, et al.*, Los Angeles Superior Court Case Number BC421528. I have personal knowledge of the matters contained in this declaration and, if called as a witness to testify, I could and would competently testify to them.

3. I have been involved as a class representative in this matter for over four years.

4. During the entire duration of the past four-plus years, I have pursued the above captioned case on behalf of myself and all others similarly situated. I have spent considerable time prosecuting this case without any monetary payments or benefits. My involvement as a class representative has included: (i) substantial time meeting and conferring with my attorneys by telephone, email and in person; (ii) substantial time reviewing various and extensive pleadings filed by my attorneys and opposing counsel in this matter; (iii) substantial time reviewing voluminous transcripts of the deposition testimony of Eden's employees and managers, as well as the deposition transcripts of employees at the California Cemetery & Funeral Bureau; (iv) responding to a detailed "Fact Sheet" regarding my claims with over 40 questions, including subparts; (v) participating in and responding to voluminous rounds of extensive written discovery requests, including responding to approximately 250 interrogatories and requests for admission specifically addressed to me; (vi) preparing for and sitting for my deposition, which lasted multiple days; (vii) independently monitoring the Court docket; (viii) attending court hearings in person; (ix) attending the class action trial; and (x) consulting with my counsel regarding settlement negotiations until the Settlement Agreement reached its final form. I also expended time traveling to and from my attorneys' office and to my deposition during the pendency of this litigation, as well as traveling to Court. I also assisted my counsel in obtaining affidavits from family members.

1 5. I was in continuous and current contact with my attorneys and made myself available
2 while the parties went to mediation and engaged in arm's length negotiations.

3 6. I was fully advised as to the provisions of the settlement by my counsel and have
4 reviewed the entire agreement before executing it and prior to filing it with the Court. I have closely
5 reviewed the final terms of the settlement agreement that this Court has preliminarily approved.

6 7. During the course of the litigation, I have had numerous telephonic and e-mail contact
7 with my attorneys. My attorneys have continuously informed me of the status of the case and have
8 attended to my questions and concerns about this litigation on behalf of myself and others similarly
9 situated. I have also devoted time assisting my counsel in the prosecution of this case, which includes
10 providing them with requisite information to move forward with this case. In addition, as noted above,
11 I expended considerable time reviewing documents and deposition testimony that were produced in
12 this litigation and assisting my counsel to respond to several rounds of detailed written discovery.

13 8. I believe that I have faced substantial risk as a result of my decision to step forward and
14 serve as a class representative in this case. As noted above, Defendants filed several motions to
15 compel the Court to order the excavation of my loved ones' graves against my family's wishes. I also
16 believe that I have faced substantial risk in serving as a class representative as I understand that in
17 becoming a class representative I am risking the imposition of costs if the case does not prevail.

18 9. I am not currently, and have never been, a party to any case that may be pending in
19 other jurisdictions or courts that is similar to the above entitled case.

20 10. I continue to be and have been willing and able to serve as a Class Representative in
21 this litigation. I fully understand the duties of the Class Representative, including the duty to
22 prosecute this case on behalf of the entire certified class. I have been and remain able and prepared to
23 continue to work with my attorneys to stay informed about the issues in this case and to provide
24 relevant information, documents and testimony when they are requested.

25 11. My attorneys and their staff have been consistently professional and informative during
26 the entire process over the past four-plus years. My attorneys and their staff have been available to
27 guide myself and all Class Representatives through the entire process via direct communication, in
28 person, over the telephone and via email. They have been available during all hours of the work week

1 and weekends, making the entire process as easy and as comfortable as possible. They continue to
2 guide us through the settlement process.

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5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed this 1st day of May, 2014, at Northridge, California.

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9 SEAN FRANK

