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ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

MAY 09 2014

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

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

12 ROBERT SCOTT, Individually and On Behalf
of All Others Similarly Situated,

Case No. BC421528

13 Plaintiff,

ASSIGNED FOR APPROVAL OF CLASS
ACTION SETTLEMENT TO:
Hon. Daniel Buckley, Dept. 1

14 vs.

ASSIGNED FOR TRIAL TO:
Hon. Marc Marmaro, Dept. 37

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

**DECLARATION OF ROBERT SCOTT 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**

21 Defendants.

*[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,
Sean Frank, 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]*

26 **Date: May 15, 2014**
27 **Time: 9:00 a.m.**
Dept.: 1

1 DECLARATION OF ROBERT SCOTT

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3 I, Robert Scott, declare as follows:

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

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

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

11 4. During the entire duration of the past four-plus years, I have pursued the above
12 captioned case on behalf of myself and all others similarly situated. I have spent considerable time
13 prosecuting this case without any monetary payments or benefits. My involvement as a class
14 representative has included: (i) substantial time meeting and conferring with my attorneys by
15 telephone, email and in person; (ii) substantial time reviewing various and extensive pleadings filed by
16 my attorneys and opposing counsel in this matter; (iii) substantial time reviewing voluminous
17 transcripts of the deposition testimony of Eden's employees and managers, as well as the deposition
18 transcripts of employees at the California Cemetery & Funeral Bureau; (iv) responding to a detailed
19 "Fact Sheet" regarding my claims with over 40 questions, including subparts; (v) participating in and
20 responding to voluminous rounds of extensive written discovery requests including responding to
21 hundreds of interrogatories and requests for admission; (vi) preparing for and sitting for my
22 deposition; (vii) sitting for media interviews; (viii) attending court hearings in person, including
23 multiple hearings regarding Defendants' motion to compel the excavation of my loved ones' graves
24 and the preliminary injunction trial; (ix) attending the class action trial; and (x) consulting with my
25 counsel regarding settlement negotiations until the Settlement Agreement reached its final form. I also
26 expended time traveling to and from my attorneys' office and to my deposition during the pendency of
27 this litigation, as well as traveling to Court and taking numerous days off of work. My sister also was
28 deposed in this action and was required to respond to Defendants' discovery requests.

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 substantial time assisting my counsel in the prosecution of this case,
10 which includes providing them with requisite information to move forward with this case. In addition,
11 as noted above, I expended considerable time reviewing documents and deposition testimony that were
12 produced in this litigation and assisting my counsel to respond to several rounds of detailed written
13 discovery.

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

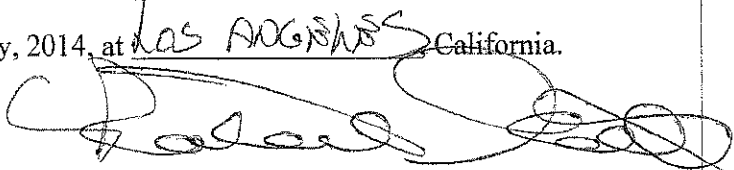
19 9. I am not currently, and have never been, a party to any case that may be pending in
20 other jurisdictions or courts that is similar to the above entitled case.

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

26 11. From the moment I first made contact with Eagan Avenatti, back in September of 2009,
27 I found that the concern demonstrated by the people there only confirmed my belief to proceed with
28 this matter was something I had to do. Justice needed to be served and this was the firm to make sure

1 it was. It is hard to even imagine the time and effort spent in researching, investigating and
2 documenting the facts of this case. Through it all, the people of Eagan Avenatti remained steadfast in
3 their pursuit, displaying professionalism as well as compassion, sometimes, a hard act to balance. I
4 could not be more grateful to them for representing my family and all the other members of this Class.

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 15th day of May, 2014, at Las ANGELES California.



ROBERT SCOTT

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