

MAY 09 2014

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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, a
16 Texas corporation, SCI CALIFORNIA FUNERAL
SERVICES, INC., a California corporation, EDEN
17 MEMORIAL PARK MANAGEMENT CO., a
California corporation, EDEN MEMORIAL PARK
18 ASSOCIATION, a California business entity,
EDEN MEMORIAL PARK, a California business
19 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 BARRY CHAPMAN 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, Sean Frank, Rabbi
Howard Laibson, 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 BARRY CHAPMAN

I, Barry Chapman, 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 hundreds of interrogatories and requests for admissions; (vi) preparing for and sitting for my deposition; (vii) responding to various questions from Defendants' counsel regarding the death of my seven year old son, which took a huge emotional toll on me; (viii) attending court hearings in person, including hearings regarding Defendants' motion to compel the excavation of my loved ones' graves and the preliminary injunction trial; (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 and taking numerous days off of work.

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, I expended
11 considerable time reviewing documents and deposition testimony that were produced in this litigation
12 and in 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.

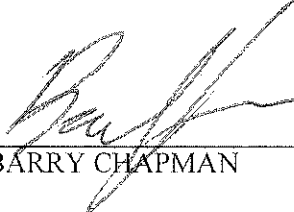
18 9. I am not currently, and have never been, a party to any case that may be pending in
19 other jurisdictions or courts that is similar to the above entitled case.

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. In my opinion the Eden Trial would have had a different outcome had another law firm
26 represented the class. The men and women of Eagan Avenatti, LLP lived the case for four plus years.
27 They were constantly searching for witnesses and deposing the witnesses, looking at the evidence and
28 validating the evidence, all the while looking for continued abuse at Eden Memorial Park, and yet

1 were simultaneously working on all of the legal proceedings. Their professionalism, tenacity,
2 thoroughness, attention to detail, knowledge of the law, and finally their ability to present and argue
3 their case in court was amazing. They were on top of all of the false testimony that was given by
4 SCI's hostile witnesses and were continually showing the Court their videoed depositions which
5 clearly contradicted most of their sworn testimony. The three people I worked with the most were
6 Jason Frank, Scott Sims, and Maritza Nowowiejski. Jason and Maritza continually kept me informed
7 on the progress, delays, and what to expect next. They were very accessible and always returned my
8 calls and e-mails generally the same day. A special thanks to Jason and Scott who helped prepare me
9 for my deposition and were present on the day of my deposition. SCI's attorney asked many questions
10 regarding my son's medical condition and subsequent death that I thought did not pertain to the case,
11 just his own morbid curiosity, but I answered them. The questions opened up floodgates of emotions
12 that I did not want to revisit. I really appreciate how Jason and Scott jumped in and kept trying to put
13 a stop to as much as they could. It took me three to four days to return to normal.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing is
15 true and correct. Executed this 6th day of May, 2014, at Vaduz, Liechtenstein,
16 California.

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20 BARRY CHAPMAN
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