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ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

MAY 09 2014

Sherri 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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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,

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 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.

**DECLARATION OF WARREN BINDER 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**

20 Defendants.
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*[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,
Barry Chapman, 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

1 DECLARATION OF WARREN BINDER

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3 I, Warren Binder, 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 hundreds of
21 interrogatories and requests for admissions; (vi) preparing for and sitting for my deposition; (vii)
22 providing legal advice to class counsel based on my experience as an attorney; (viii) attending court
23 hearings in person, including hearings regarding Defendants' motion to compel the excavation of my
24 loved ones' graves and the preliminary injunction trial; (ix) attending the class action trial; and (x)
25 consulting with my counsel regarding settlement negotiations until the Settlement Agreement reached
26 its final form. My father and uncle were also deposed by Defendants, and I assisted them in
27 responding to Defendants' discovery requests. I also expended time traveling to and from my
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1 attorneys' office and to my deposition during the pendency of this litigation, as well as traveling to
2 Court and taking numerous days off of work.

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

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

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

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

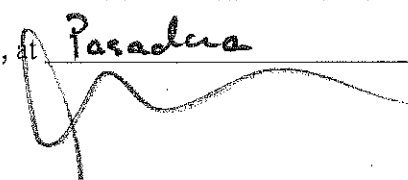
20 9. I am not currently, and have never been, a party to any case that may be pending in
21 other jurisdictions or courts that is similar to the above entitled case.

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

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11. I am a civil litigation attorney. I have seen firsthand the hard work and time invested by the lawyers at Eagan Avenatti. In my opinion they did an excellent job, and obtained a fair and just result for the Class members.

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



WARREN BINDER