

CONFORMED COPY  
ORIGINAL FILED  
Superior Court Of California  
County Of Los Angeles

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  
7 Themselves and All Others Similarly Situated  
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES- CENTRAL DISTRICT**  
11

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

14 Plaintiff,

15 vs.

16 SERVICE CORPORATION INTERNATIONAL, a  
Texas corporation, SCI CALIFORNIA FUNERAL  
17 SERVICES, INC., a California corporation, EDEN  
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.  
21  
22  
23  
24  
25  
26  
27  
28

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 LINDA PORE 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, Barry Chapman, Warren  
Binder, Ivy Greenstein, 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 LINDA PORE

2  
3 I, Linda Pore, 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 counsel with information about the death care industry based on my previous work  
23 experience in that industry; (viii) attending court hearings in person, including hearings regarding  
24 Defendants' motion to compel the excavation of my loved ones' graves and the preliminary injunction  
25 trial; (ix) attending the class action trial; and (x) consulting with my counsel regarding settlement  
26 negotiations until the Settlement Agreement reached its final form. I also expended time traveling to  
27 and from my attorneys' office and to my deposition during the pendency of this litigation, as well as  
28 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.

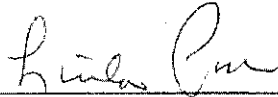
18          9.       I am not currently, and have never been, a party to any case that may be pending in  
19 other jurisdictions or courts that is similar to the above entitled case.

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.       The firm, Eagan Avenatti, LLP, and all of the attorneys and staff that worked on this  
26 case were outstanding. I was especially impressed with the fact that the attorneys always interacted  
27 with us directly. The attorneys spent an enormous amount of time and effort litigating, investigating,  
28 researching, obtaining documents, and researching the defendant and their employees, the California

1 Cemetery Funeral Bureau and all of the plaintiffs and their families. They were extremely meticulous  
2 and made sure all of us had copies of the depositions, and the voluminous reports, documents and  
3 discovery in this case. They were at all times in touch with us both during their office hours and after  
4 hours and on weekends. I was very impressed with this firm, as these attorneys were caring and took  
5 the time to know each of us and our family history. This firm not only resolved this case, but they also  
6 placed safe guards so the defendants will not harm another family again. This firm went way above  
7 and beyond and I know for a fact they even called me back on occasions when they were at home with  
8 their own families.

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

11   
12 \_\_\_\_\_  
13 LINDA PORE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28