

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,
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 MIRIAM SUE ROTH 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, Linda Pore, 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 MIRIAM SUE ROTH

I, Miriam Sue Roth, 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 hundreds of interrogatories and requests for admission; (vi) preparing for and sitting for my deposition; (vii) attending court hearings in person; and (viii) 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.

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

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

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

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

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

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

23 11. For the past several years I have worked with the attorneys and staff at Eagan Avenatti
24 LLP on this case. I have been very impressed with how well they communicate with the clients and
25 keep us informed every step of the way. Calls are always answered timely and with respect.
26 Explanations are always thorough and professional. I was always made to feel a part of the team. I
27 was never talked down to or felt like I was bothering any of them. Although this has been a difficult
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case, both legally and emotionally, it has been a pleasure to work with each and every person at Eagan Avenatti.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of May, 2014, at Woodland Hills, California.

Miriam Sue Roth
MIRIAM SUE ROTH