1 EAGAN AVENATTI, LLP CONFORMED COPY
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Superior Court Of California
County Of Los Appelles Michael J. Avenatti, Bar No. 206929 Jason M. Frank, Bar No. 190957 Michael Q. Eagan, Bar No. 63479 Scott H. Sims, Bar No. 234148 3 MAY 092014 450 Newport Center Drive, Second Floor Newport Beach, CA 92660 4 Sherri R. Carter, Executive Officer/Clerk Telephone: (949) 706-7000 By: Kristina Vargas, Deputy (949) 706-7050 5 Facsimile: 6 Attorneys for Plaintiffs, On Behalf of Themselves and All Others Similarly Situated 7 8 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES- CENTRAL DISTRICT 10 11 12 ROBERT SCOTT, Individually and On Behalf of Case No. BC421528 All Others Similarly Situated, ASSIGNED FOR APPROVAL OF CLASS 13 Plaintiff, **ACTION SETTLEMENT TO:** 14 Hon. Daniel Buckley, Dept. 1 VS. ASSIGNED FOR TRIAL TO: 15 Hon. Marc Marmaro, Dept. 37 SERVICE CORPORATION INTERNATIONAL, a Texas corporation, SCI CALIFORNIA 16 FUNERAL SERVICES, INC., a California **DECLARATION OF HABIB NAEIM IN** SUPPORT OF PLAINTIFFS' MOTION FOR 17 corporation, EDEN MEMORIAL PARK MANAGEMENT CO., a California corporation, FINAL APPROVAL OF CLASS ACTION EDEN MEMORIAL PARK ASSOCIATION, a SETTLEMENT AND APPLICATION FOR 18 California business entity, EDEN MEMORIAL ATTORNEYS' FEES, COSTS AND INCENTIVE AWARDS TO THE CLASS 19 PARK, a California business entity, JAMES R. BIBY, an individual and DOES 1 through 100. REPRESENTATIVES 20 Defendants. [Plaintiffs' Motion for Final Approval of Class Action Settlement; Application for Attorneys' 21 Fees, Costs & Incentive Awards; Declarations of Michael J. Avenatti, Jason M. Frank, Kenneth 22 Jue, Dr. David Stewart, Professor Brian Fitzpatrick, Robert Scott, Sean Frank, Rabbi 23 Howard Laibson, Barry Chapman. Binder, Ivy Greenstein, Linda Pore, and Miriam 24 Sue Roth; [Proposed] Final Approval Order; and 25 [Proposed] Judgment filed concurrently herewith] 26 Date: May 15, 2014 Time: 9:00 a.m. 27 Dept.: 1 28

DECLARATION OF HABIB NAEIM

I, Habib Naeim, 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) participating in and responding to voluminous rounds of extensive written discovery requests; (v) preparing for and sitting for my deposition; (vi) assisting my counsel in discovering the details of the desecration of my sister's grave; and (vii) 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.
- 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.
- 6. I was fully advised as to the provisions of the settlement by my counsel and have reviewed the entire agreement before executing it and prior to filing it with the Court. I have closely reviewed the final terms of the settlement agreement that this Court has preliminarily approved.

- 7. During the course of the litigation, I have had numerous telephonic and e-mail contact with my attorneys. My attorneys have continuously informed me of the status of the case and have attended to my questions and concerns about this litigation on behalf of myself and others similarly situated. I have also devoted time assisting my counsel in the prosecution of this case, which includes providing them with requisite information to move forward with this case. In addition, I expended considerable time reviewing documents and deposition testimony that were produced in this litigation and in assisting my counsel to respond to several rounds of detailed written discovery. Finally, I was one of four families who Defendants admitted they damaged my loved one's grave, so my personal claim provided a powerful example for the benefit of the entire class.
- 8. I believe that I have faced substantial risk as a result of my decision to step forward and serve as a class representative in this case. As noted above, Defendants filed several motions to compel the Court to order the excavation of my loved ones' graves against my family's wishes. I also believe that I have faced substantial risk in serving as a class representative as I understand that in becoming a class representative I am risking the imposition of costs if the case does not prevail.
- 9. I am not currently, and have never been, a party to any case that may be pending in other jurisdictions or courts that is similar to the above entitled case.
- 10. I continue to be and have been willing and able to serve as a Class Representative in this litigation. I fully understand the duties of the Class Representative, including the duty to prosecute this case on behalf of the entire certified class. I have been and remain able and prepared to continue to work with my attorneys to stay informed about the issues in this case and to provide relevant information, documents and testimony when they are requested.

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

HABIB NAEIM

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