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Attorneys for Plaintiffs GRANT CAIN and DEBORAH CAIN,  
on behalf of themselves and all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF ORANGE**

MADLEN DYE, an individual; GRANT  
CAIN, an individual; DEBORAH CAIN, an  
individual, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

vs.

RICHMOND AMERICAN HOMES OF  
CALIFORNIA, INC., a Corporation;  
M.D.C. HOLDINGS, INC., a Corporation;  
PLUMBING CONCEPTS, INC., a  
Corporation; MUELLER INDUSTRIES,  
INC., a Corporation; and DOES 1-100,

Defendants.

AND RELATED  
CROSS-CLAIMS.

Case No. 30-2013-00649415-CU-CD-CXC

Assigned for all purposes to:  
Judge: Hon. Peter Wilson  
Dept.: CX-101

**DECLARATION OF PATRICK  
MCNICHOLAS IN SUPPORT OF  
MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT,  
ATTORNEYS' FEES & COSTS, AND  
INCENTIVE AWARDS**

**Hearing Date: February 23, 2023**

**Time: 2:00 p.m.**

**Dept.: CX-101**

Complaint Filed: 05/09/201

[Notice of Motion, Memoranda of Points and  
Authorities in Support of Final Approval and  
Attorneys' Fees, Declarations of Richard  
Kellner, Michael Artinian, Grant Cain,  
Deborah Cain, and Makenna Snow filed  
concurrently herewith.]

1 **DECLARATION OF PATRICK MCNICHOLAS**

2 I, Patrick McNicholas, declare as follows:

3 1. I am an attorney at law duly licensed to practice before all of the courts of the State of  
4 California and am a principal at McNicholas & McNicholas, LLP, co-counsel of record for Plaintiffs  
5 Deborah and Grant Cain. I have personal knowledge with the proceedings in this matter, including  
6 those facts and circumstances stated herein. If called upon to do so, I could and would competently  
7 testify under oath as to those matters set forth in this Declaration.

8 2. I am admitted to practice in the courts of California, in the United States District Courts  
9 for the Districts of Northern, Eastern, and Central and in the United States Courts of Appeal for the  
10 Ninth Circuit.

11 3. I have been practicing law since 1986. I am a founding partner of McNicholas &  
12 McNicholas, LLP which was established in 1993, having in that time tried more than 70 civil actions to  
13 verdict of various types and complexity in the trial courts in which I am admitted to practice. My firm  
14 has extensive class action litigation experience as further set forth herein.

15 4. McNicholas & McNicholas, LLP (“M&M”) is an AV-rated civil litigation  
16 firm with offices in Westwood, Los Angeles, California. The firm exclusively represents plaintiffs,  
17 specializing in complex litigation, including federal multidistrict litigation. M&M attorneys have  
18 extensive experience in consumer protection, medical safety issues, corporate fraud, and unlawful  
19 employment practices. M&M represents consumers, individuals and groups of victims in wrongful  
20 death, toxic and catastrophic injury, mold exposure, product liability and medical product liability,  
21 wrongful labor and employment practices, civil rights, maritime law and Jones Act litigation and  
22 mass tenant-landlord actions. The firm handles both state and national class actions that present  
23 cutting edge issues in substantive and procedural areas. M&M is structured to litigate difficult and  
24 multi-party actions in an efficient and cost-effective manner to obtain optimal results, both through  
25 trial and negotiated settlement.

26 5. M&M attorneys have had a leadership role in the following representative class  
27 actions:  
28

- 1 • *In re Epson Cartridge Cases*, Los Angeles Superior Court Case No. BC293641.  
2 Settlement valued in excess of \$350 million on behalf of a national class of consumers  
3 who owned Epson inkjet printer cartridges that indicated “empty” while still  
4 containing significant ink.
- 5 • *Do Right’s Plant Growers v. RSM EquiCo, Inc.*, Orange County Superior Court Case  
6 No. 06CC00137. M&M served as co-lead counsel in this consumer class action  
7 involving fraud for failure to disclose marketing and sales statistics to businesses who  
8 paid to have their businesses marketed and sold. The case settled after certification for  
9 \$42,000,000 in 2012, the largest class action resolution in Orange County.
- 10 • *Gergel v. Best Buy Co., Inc.*, United States District Court for the Central District of  
11 California Case No. CV-06-2399-GPS-PLAx. Settlement valued at \$5 million on  
12 behalf of consumers who were signed up for and charged for AOL services after  
13 making a purchase with their credit card at Best Buy.
- 14 • *Bruck v. Tenet Healthcare*, Los Angeles Superior Court Case No. BC299438.  
15 Settlement valued at \$3 million on behalf of a class of Case Managers for failure to  
16 pay overtime due to misclassification as exempt employees.
- 17 • *Smietana et al v. Pleasant-Care Corp.*, Los Angeles Superior Court Case No.  
18 BC315693. Settlement on behalf of a class of residents of skilled nursing facilities for  
19 failure to provide minimum staffing.
- 20 • *Silverman v. Smithkline Beecham Corp. d/b/a/ Glaxosmithkilne, PLC*, United States  
21 District Court for the Central District of California Case No. CV-06-07272-DSF-CTX.  
22 M&M serves as co-lead counsel in this class action involving alleged failures to pay  
23 overtime wages, waiting time penalties, failure to provide meal and rest periods, and  
24 to furnish timely and accurate wage statements for a class of pharmaceutical company  
25 representatives, classified as exempt.
- 26 • *In Re: HP Inkjet Printer Litig.*, United States District Court for the Northern District  
27 of California Case No. 05-CV-3580. M&M served as co-lead counsel in this class  
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1 action involving a California class of consumers who owned Hewlett Packard inkjet  
2 printer cartridges that indicated “low on ink” while still containing significant ink.  
3 The case settled for \$5,000,000 in 2011.

- 4 • *Rich v. Hewlett Packard Co.*, United States District Court for the Northern District of  
5 California Case No. C-06-03361-HRL. M&M served as co-lead counsel in this class  
6 action involving a national class of consumers who owned Hewlett Packard color  
7 inkjet printers that printed color underneath black, unnecessarily utilizing color ink.  
8 The case settled for \$5,000,000 in 2011 in a consolidated action with *In Re: HP Inkjet  
9 Printer Litig.*
- 10 • *Baggett v. Hewlett Packard Co.*, United States District Court for the Central District of  
11 California Case No. SA CV 07-667-AG-RNB. M&M served as co-lead counsel in  
12 this class action involving a national class of consumers who owned Hewlett Packard  
13 LaserJet printers that represent the toner cartridge is empty when toner remains.
- 14 • *Flud v. Spehrion Pacific Workforces, Inc.*, Kern County Superior Court Case No. S-  
15 1500-CV-259321. M&M served as co-lead counsel in this class action involving  
16 alleged failures to pay wages, overtime, waiting time penalties, failure to provide meal  
17 and rest periods, and to furnish timely and accurate wage statements for those  
18 nonexempt employees who worked at a call center in Bakersfield, California. The  
19 case settled for \$1,300,000 in 2010.
- 20 • *Kasper v. Pac. Bell Tel. Co.*, Los Angeles Superior Court Case No. BC358270. M&M  
21 served as co-lead counsel in this consumer fraud class action for illegal wiretapping.  
22 The case settled for \$1,500,000 in 2013.
- 23 • *Garcia v. Sun Pac. Farming Coop.*, United States District Court for the Eastern  
24 District of California Case No. 1:06-CV-00871-LJO-TAG. M&M served as co-lead  
25 counsel in this class action involving alleged violations of the Migrant And Seasonal  
26 Agricultural Worker Protection Act, failures to pay wages, overtime, employee  
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1 expenses, waiting time penalties, and failure to provide meal and rest periods, and to  
2 furnish timely and accurate wage statements. The case settled for \$4,550,000 in 2015.

- 3 • *Robles v. Sunview Vineyards of Cal.*, United States District Court for the Eastern  
4 District of California Case No. 1:06-CV-00288-AWI-SMS. M&M served as co-lead  
5 counsel in this class action involving alleged violations of the Migrant And Seasonal  
6 Agricultural Worker Protection Act, failures to pay wages, overtime, employee  
7 expenses, waiting time penalties, and failure to provide meal and rest periods, and to  
8 furnish timely and accurate wage statements.
- 9 • *Valenzuela v. Giumarra Vineyards Corp.*, United States District Court for the Eastern  
10 District of California Case No. 1:05-CV-01600-AWI-SMS. M&M serves as co-lead  
11 counsel in this class action involving alleged violations of the Migrant And Seasonal  
12 Agricultural Worker Protection Act, failures to pay wages, overtime, employee  
13 expenses, waiting time penalties, and failure to provide meal and rest periods and to  
14 furnish timely and accurate wage statements.
- 15 • *Mendoza v. AKH Company, Inc. dba Discount Tire Centers*, Los Angeles Superior  
16 Court Case No. BC379641. M&M serves as co-lead counsel in this class action  
17 involving alleged failures to pay wages, overtime, waiting time penalties, and failure  
18 to provide rest periods.
- 19 • *Jimenez v. Diamond Contract Serv., Inc.*, Los Angeles Superior Court Case No.  
20 BC403968. M&M serves as co-lead counsel in this class action involving alleged  
21 failures to pay wages, overtime, waiting time penalties, and failure to furnish timely  
22 and accurate wage statements.
- 23 • *Kloppis v. Music Express*, Los Angeles Superior Court Case No. BC419621. M&M  
24 served as co-lead counsel in this class action involving alleged failures to pay wages,  
25 overtime, waiting time penalties, and failure to provide rest periods. The case settled  
26 for \$225,000 in 2011.
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- 1 • *Hackwith v. Apple, Inc.* United States District Court for the Northern District of  
2 California, Case No 09-cv-03862. M & M served as co-lead counsel in this class  
3 action involving alleged misrepresentation of product safety. The case settled for a  
4 value of \$11.9 million in 2015.
- 5 • *Ali vs. Warmington Residential California; Brasch, et. al., vs. K. Hovnanian*  
6 *Enterprises, Inc.; Bremen, et. al., vs. William Lyon Homes, Inc.; Chiang, et. al., vs.*  
7 *D.R. Horton, Inc.; Constabileo, et. al., vs. MBK Builders, Inc.; Del Rivero, et. al. vs.*  
8 *Centex Homes of California, LLC; Foti, et. al., vs. John Laing Homes; Gieselman, et.*  
9 *al., vs. Standard Pacific Corp.; Latini vs. Richmond American Homes of California;*  
10 *Shah, et. al., vs. Pulte Home Corporation; Silverman, et. al. vs. Shea Homes, Inc.;*  
11 *Smith vs. Pulte Home Corp.; Sun Jr. vs. Pardee Homes; Thaiyananthan vs. Pardee*  
12 *Homes; Geyer & Valencia, et. al., vs. Standard Pacific Corporation; Wang, et. al., vs.*  
13 *Woodbridge Pacific Group; Warrren vs. Brookfield Homes Southern California, LLC.*  
14 Orange County Superior Court, Civil Complex Center. M & M has served as co-lead  
15 counsel on these 17 related construction defect class action cases involving pinhole  
16 leaks in copper plumbing in class member homes, since inception of the cases.
- 17 • *Lagunas v. Abercrombie & Fitch Co.* United States District Court,  
18 Central , Southern Division, Case No. 8:16-cv-00199 JGB; M&M serves as co-lead  
19 counsel in this class action involving alleged failures to pay wages, reporting time  
20 premiums, waiting time penalties, and furnish timely and accurate wage statements.
- 21 • *Shayna Broadstone v. Bath & Body Works, LLC.* United States District Court, Central  
22 District, Case No. 8:15-cv-01994 FMO (AJWx); M&M serves as co-lead counsel in  
23 this class action involving alleged failures to pay wages, reporting time premiums,  
24 waiting time penalties, and furnish timely and accurate wage statements.
- 25 • *Deehan v. GAP Inc.* Superior Court of California, Orange County, Case No. 30-2015-  
26 00807155 CU-OE-CXC; M&M serves as co-lead counsel in this class action  
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1 involving alleged failures to pay wages, reporting time premiums, waiting time  
2 penalties, and furnish timely and accurate wage statements.

- 3 • *Robinson v. BCBG Max Azria Group, LLC*. Los Angeles Superior Court, Case No.  
4 BC581434. M&M serves as co-lead counsel in this class action involving alleged  
5 failures to pay wages, reporting time premiums, waiting time penalties, and furnish  
6 timely and accurate wage statements.
- 7 • *Broadstone v. PacSun*. Los Angeles Superior Court, Case No. BC594799. M&M  
8 serves as co-lead counsel in this class action involving alleged failures to pay wages,  
9 reporting time premiums, waiting time penalties, and furnish timely and accurate wage  
10 statements.
- 11 • *Ward v. Tilly's*. Los Angeles Superior Court, Case No. BC595405. M&M serves as co-  
12 lead counsel in this class action involving alleged failures to pay wages, reporting time  
13 premiums, waiting time penalties, and furnish timely and accurate wage statements.
- 14 • *Shien v. Williams-Sonoma*. Los Angeles Superior Court, Case No. BC598805. M&M  
15 serves as co-lead counsel in this class action involving alleged failures to pay wages,  
16 reporting time premiums, waiting time penalties, and furnish timely and accurate wage  
17 statements.
- 18 • *Leonard v. Porsche Cars North America, Inc.* Case No. 2:16-CV-447; M&M serves as  
19 co-counsel in the consumer fraud class action against Volkswagen and Porsche for the  
20 “defeat devices” fraudulently installed in the vehicles.

21  
22 6. Of all the class actions referred to in the preceding paragraphs approximately eighty  
23 percent (80%) were brought in state courts and approximately twenty percent (20%) were brought in  
24 federal court.

25 7. My firm is co-counsel on all the related pinhole leak class litigation cases. My firm was  
26 approached by Bridgford, Gleason & Artinian firm to jointly prosecute these pinhole class cases along  
27 with the law firm of Kabateck, LLP. In addition to the instant action, my firm is co-counsel in the  
28 additional sixteen (16) other related OC Copper Pipe class litigation cases in Ladera Ranch, San

1 Clemente, Irvine and Yorba Linda. The other cases are: *Warren v. Brookfield Homes, et al.* – Orange  
2 County Superior Court Case No.: 30-2013-00648934; *Del Rivero v. Centex Homes, et al.* – Orange  
3 County Superior Court Case No.: 30-2013-00649338; *Chiang v. D.R. Horton, Inc., et al.* – Orange  
4 County Superior Court Case No.: 30-2013-00649345; *Brasch v. K. Hovnanian, et al.* – Orange County  
5 Superior Court Case No.: 30-2013-00649417; *Constabileo v. MBK Homes, et al.* – Orange County  
6 Superior Court Case No.: 30-2013-00649426.; *Cheung v. William Lyon Homes, et al.* – Orange County  
7 Superior Court Case No. 30-2013-00649548; *Foti v. John Laing Homes, et al.* – Orange County  
8 Superior Court Case No.: 30-2013-00649415; *Williams v. Shea Homes, Inc., et al.* – Orange County  
9 Superior Court Case No.: 30-2013-00649466, *Ali v. Warmington Residential California, Inc., et al.* –  
10 Orange County Superior Court Case No.: 30-2013-00689593; *Shah v. Pulte Homes, et al.* – Orange  
11 County Superior Court Case No.: 30-2014-00731604; *Smith v. Pulte Homes, et al.* – Orange County  
12 Superior Court Case No.: 30-2015-00808112; *Fish v. Standard Pacific, et al.* – Orange County Superior  
13 Court Case No.: 30-2015-00806712; *Specter v. Standard Pacific Corporation, et al.* – Orange County  
14 Superior Court Case No.: 30-2015-00826840; *Sun v. Pardee Homes* – Orange County Superior Court  
15 Case No.: 30-2016-00841111; *Thaiyananthan v. Pardee Homes* – Orange County Superior Court Case  
16 No.: 30-2016-00842017; *Meifen Wang, et al. v. Kerrigan Yorba Linda Estates, LLC, et al.*; and *Chow*  
17 *v. WL Homes, LLC, et al.* – Orange County Superior Court Case No.: 30-2016-00847536.

18  
19 8. Since the inception of the litigation of this case, and the related OC Copper Pipe Cases,  
20 M&M attorneys have spent a substantial amount of attorney time litigating all the related cases, as well  
21 as considerable additional staff time. The legal work to date has included, but is not limited to,  
22 identifying, researching, investigating and substantiating potential claims in this case; correspondence  
23 with counsel, conferring and strategizing with co-counsel regarding the complex legal issues presented  
24 in these cases, preparing for and attending expert and percipient witness depositions; preparing and  
25 responding to discovery, preparing for and attending hearings, and assisting in preparing motions. The  
26 timeframes set forth in the attendant motion for final approval accurately depicts the categories of work  
27 my firm participated in with my co-counsel during those time periods.



1           12.     From the beginning of this case through December 31, 2015, the attorneys from my firm  
2 spent approximately 1,490 hours working on pleading challenges, research on SB800 and class issues,  
3 opposing motions, attending hearings, assisting in the first appeal, investigation, expert work, and  
4 discovery. Between January 1, 2016 and July 31, 2017, the attorneys from my firm spent approximately  
5 1,700 hours working on pleading challenges, research on SB800 and class issues, opposing motions,  
6 preparing for and drafting motions for class certification, attending hearings, continued investigation,  
7 expert work, and discovery. And since August 1, 2017, the attorneys from my firm have spent  
8 approximately 410 hours working on continued pleading challenges, research on SB800 and class issues,  
9 opposing motions, attending hearings, assisting in the second appeal, continued investigation, expert  
10 work, and discovery.

11           13.     My reasonable hourly billing rate is \$1,100.00, including *Callaway, et al. v. Mercedes-*  
12 *Benz USA, LLC* in the Orange County District Court, Case No.8:14-cv-02011-JVS (December, 2014).

13           14.     I can also attest to the experience of our associate attorney Philip Shakhnis who also  
14 worked on this Litigation, before leaving the firm in 2018. In that time he has successfully litigated a  
15 number of significant cases including an employment discrimination case that settled for \$2.5 million  
16 and a childhood lead poisoning case that settled for \$10 million. Mr. Shakhnis was admitted to the bar  
17 in 1998. Prior to joining our firm, Mr. Shakhnis managed his own law practice for over 8 years. Mr.  
18 Shakhnis has extensive experience in litigating issues related to residential habitability and has achieved  
19 substantial results for his clients including a \$985,000 verdict related to residential mold contamination.  
20 Mr. Shakhnis received his Juris Doctorate from the University of Oregon School of Law in 1998. Mr.  
21 Shakhnis has extensive experience litigating cases in state courts throughout Southern California. Mr.  
22 Shakhnis' reasonable and appropriate hourly rate is \$750.00, based on Mr. Shakhnis' skill and  
23 experience. Prior to joining McNicholas & McNicholas, LLP, Mr. Shakhnis managed his own law  
24 firm, Law Office of Philip Shakhnis, for over 8 years where he regularly achieved six-figure settlements  
25 and verdicts for his clients primarily in mold, lead-based paint hazard and habitability-related litigation.  
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27           15.     I can also attest to the experience of our associate attorney David Angeloff who also  
28 worked on this Litigation, before leaving the firm in 2019. In that time he has successfully litigated a

1 number of significant cases including a \$6.75 million dollar settlement in a wrongful death case, a  
2 \$275,000 verdict for an elderly woman who was injured when a ceiling collapsed, a \$380,000  
3 settlement for a medical services company in a legal malpractice action, a \$500,000 settlement for an  
4 exchange student who suffered a non-surgical pelvic injury in an auto crash, a \$150,000 settlement  
5 for a warehouse worker for pregnancy discrimination, and a \$160,000 settlement for a female  
6 employee of a military contractor who was sexually harassed on the job. Mr. Angeloff was admitted  
7 to the Bar in 2010, and is also a certified Project Management Professional (PMP). Prior to joining  
8 our firm, Mr. Angeloff worked for a San Diego personal injury firm called Hulburt & Bunn and  
9 managed his own law practice. Mr. Angeloff received his Juris Doctorate from the University of San  
10 Diego School of Law in 2010 and is licensed to practice as an attorney in the State of California, the  
11 State of New York, and in Washington D.C. Mr. Angeloff has extensive experience litigating cases in  
12 state and federal courts throughout Southern California. Mr. Angeloff's reasonable and appropriate  
13 hourly rate is \$550.00, based on Mr. Angeloff's skill and experience.

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15 16. I can also attest to the experience of our associate attorney Jeffrey Lamb, who has also  
16 worked on this Litigation. Mr. Lamb was admitted to the Bar in 2008. Mr. Lamb graduated cum  
17 laude from the University of La Verne College of Law, and previous thereto attending Pitzer College.  
18 Prior to joining McNicholas & McNicholas, Mr. Lamb founded his own law firm litigating numerous  
19 high-profile cases to help victims recover millions of dollars in compensation for their losses, as well  
20 as successfully bringing claims against employers when wronged at work. In the time Mr. Lamb has  
21 been with McNicholas & McNicholas, he has successfully litigated a number of significant cases  
22 including a several multi-million dollar class-action and personal injury cases. Mr. Lamb has  
23 extensive experience litigating cases in state and federal courts throughout Southern California. His  
24 reasonable and appropriate hourly rate is \$550.00, based on his skill and experience.

25 17. I can also attest to the experience of our associate attorney Michael Kent, who also  
26 worked on this Litigation until he recently left the firm in 2022. Mr. Kent was admitted to the Bar in  
27 2014. He graduated from Pepperdine Law School. Mr. Kent has extensive experience litigating  
28 cases in state and federal courts throughout Southern California, including class action, employment

1 and wage/hour cases, and personal injury cases. His reasonable and appropriate hourly rate is  
2 \$500.00, based on his skill and experience.

3 18. The expenses incurred in this action are reflected on the books and records of my firm.  
4 These books and records are prepared from expense vouchers, check records and other source materials  
5 and represent an accurate recordation of the expenses incurred. I asked my firm accountant to prepare  
6 and send Mr. Artinian's office a true and correct copy of my firm's case-specific expenses in this matter,  
7 and general expenses incurred for these cases. True and correct copies of the same are discussed in Mr.  
8 Artinian's declaration and attached to the Compendium of Exhibits as **Exhibits "I" and "J"**.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
10 true and correct.

11 Executed this 27<sup>th</sup> day of January, 2023, at Los Angeles, California.

12  
13 /s/ Patrick McNicholas  
14 Patrick McNicholas, Declarant  
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# EXHIBIT 1

**DECLARATION OF MICHAEL J. KENT**

I, Michael J. Kent, declare as follows:

1. I am an attorney at law duly licensed to practice before all of the courts of the State of California and am an owner/shareholder at the Law Offices of Michael J. Kent, A.P.C. Prior to founding the Law Offices of Michael J. Kent, I was an associate attorney at McNicholas & McNicholas LLP, co-counsel of record for Plaintiffs in the above-captioned action (“Named Plaintiffs”). I have personal knowledge of the proceedings in this matter, including those facts and circumstances stated herein. If called upon to do so, I could and would competently testify under oath as to those matters set forth in this Declaration.

2. I was an associate attorney at McNicholas & McNicholas, LLP from April 2015 through September 2022. During my time at McNicholas & McNicholas, LLP, McNicholas & McNicholas, LLP was/is co-counsel on all the pending related pinhole leak class litigation cases.

3. In or around March 2022, I was asked to look into, research, and provide attorney time that McNicholas & McNicholas, LLP contributed, and worked on, relating to the pinhole leak class litigation cases. In order to complete this task, I performed the following:

- a. Requested any and all time slips produced this matter from prior attorneys and staff relating to the pinhole leak class litigation cases;
- b. Reviewed the pleadings, discovery, and expert work in all pinhole leak class case;
- c. I requested the IT department to attempt to recover all email correspondence relating to the pinhole leak class case using keyword searches and the prior attorneys who worked on the cases. Further, that the emails be audited for time substance;
- d. I spoke with Patrick McNicholas, Philip Shakhnis, David Angeloff, and Jeffrey Lamb, all attorneys who previously worked, or were working on, the pinhole leak class litigation cases, to determine what tasks they performed and determine their reasonable estimate of time;

1           4.       There were approximately sixteen (16) total cases that made up the pinhole leak  
2 litigation class cases. The activities that McNicholas & McNicholas, LLP performed included  
3 intake calls/emails to and for class representatives and members, research on topics applicable to  
4 all pinhole cases, administrative/organizational duties, and other such activities. Additionally the  
5 firm performed the following tasks;

6           5.       The tasks undertaken by my firm in this Litigation can be summarized as follows:

7                   (a) Research and discussions regarding the applicability of SB800 and  
8 other laws to facts of this case;

9                   (b) Conferred with co-counsel via telephone conference call and email  
10 regarding strategy of litigating case;

11                   (c) Conferred with experts regarding pinhole leaks caused to class  
12 members' copper plumbing and theories of causation;

13                   (d) Review of correspondence related to legal theories;

14                   (e) Attendance at hearings, mediation, and conference calls regarding  
15 mediation;

16                   (f) Review and analysis of correspondence relating to the litigation,  
17 analysis, settlement, hearings, and legal theories; and

18                   (g) Review of proposed settlement agreements.

19           6.       The schedule below is a detailed summary indicating the amount of time spent by the  
20 partners and attorneys of my firm who were involved in this case and the related cases, and the lodestar  
21 calculation based on my firm's current billing rates.

22                   a.   Patrick McNicholas – 2,354.5 hours;

23                   b.   Phillip Shakhnis – 500 hours;

24                   c.   David Angeloff – 600 hours;

25                   d.   Jeffrey Lamb – 110 hours;

26                   e.   Michael J. Kent – 35 hours

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct. Executed this 20th day of November 2022, at Los Angeles, California.

3 /s/ Michael J. Kent  
4 Michael J. Kent, Esq.

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**PROOF OF SERVICE**  
**Dye v. Richmond American Homes, et al.**  
**Orange County Superior Court Case No.: 30-2013-00649460**

I, the undersigned, declare that:

I am over the age of 18 years and not a party to the within action. I am employed in the County where the Proof of Service was prepared and my business address is Law Offices of BRIDGFORD, GLEASON & ARTINIAN, 26 Corporate Plaza, Suite 250, Newport Beach, CA 92660.

On the date set forth below, I served the following document(s): **DECLARATION OF PATRICK MCNICHOLAS IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT, ATTORNEYS' FEES & COSTS, AND INCENTIVE AWARDS** on the interested party(s):

**SEE ATTACHED SERVICE LIST**

by the following means:

- BY MAIL:** By placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid. I am readily familiar with the business practice for collecting and processing correspondence for mailing. On the same day that correspondence is processed for collection and mailing it is deposited in the ordinary course of business with the United States Postal Service in Newport Beach, California to the address(es) shown herein.
- BY PERSONAL SERVICE:** By placing a true copy thereof, enclosed in a sealed envelope, I caused such envelope to be delivered by hand to the recipients herein shown (as set forth on the service list).
- BY OVERNIGHT DELIVERY:** I served the foregoing document by Overnight Delivery as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to recipients shown herein (as set forth on the service list), with fees for overnight delivery paid or provided for.
- BY ELECTRONIC MAIL (EMAIL):** I caused a true copy thereof sent via email to the address(s) shown herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 30, 2023

\_\_\_\_\_  
/s/Debbie Knipe

Debbie Knipe

**SERVICE LIST**  
**Dye v. Richmond American Homes, et al.**  
**Orange County Superior Court Case No.: 30-2013-00649460**

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