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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SISKIYOU

MARIA GLORIA F GUINTO, an individual,
on behalf of herself and others similarly
situated,

PLAINTIFF,

v.

C & K MARKET, INC.; and DOES 1 thru 50,
inclusive,

DEFENDANTS.

CASE NO. SCCV-CVCV-2021-0964

**DECLARATION OF DIANE L.
KARPMAN**

*[Filed concurrently with Motion for
Supplemental Order Granting Preliminary
Approval of Settlement; Declaration of Eric
B. Kingsley; and Proposed Supplemental
Amended Order Granting Preliminary
Approval]*

Date: October 12, 2023

Time: 9:30 a.m.

Dept.: 2

Complaint Filed: September 1, 2021

Trial Date: None Set

1 **DECLARATION OF DIANE L. KARPMAN¹**

2 I, Diane L. Karpman, declare that I am competent to testify, that I have personal
3 knowledge of the matters set forth below, and that if called upon to testify, I could and
4 would competently testify as follows:

5 **I. SUMMARY OF QUALIFICATIONS**

6 1. I am an attorney at law, duly licensed to practice before all the courts of the
7 State of California. My business address is 25962 Aosta Court, Valencia CA, 91355.

8 2. I have been licensed to practice law in the State of California since 1975. I
9 am admitted to all the district courts in California, the Ninth Circuit, and the United States
10 Supreme Court.

11 3. **APPOINTMENTS:** I am a former Chair of the ABA/Bureau of National
12 Affairs Editorial Board for the Lawyers' Manual on Professional Conduct; former liaison
13 to the ABA's Ethics 20/20; Beverly Hills Bar Association's liaison to the State Bar's
14 Rules Revision Commission I and II,² former member of the ABA Standing Committee of
15 Professionalism; members of the Member's Consultant Group for the American Law
16 Institute, Principles of Aggregate Litigation; Past President of the Association of
17 Professional Responsibility Lawyers (formerly affiliated with the ABA); Past-Chair
18 Professional Responsibility and Ethics Committee of the Los Angeles County Bar
19 Association; Chair Beverly Hills Bar Association Ethics Committee, and member of the
20 Members' Consultant Group for the Restatement of the Law of Lawyering. I am a former
21 State Bar of California delegate to the ABA's House of Delegates (ten-year), and a former
22 member of the Commission on Judicial Nominees Evaluation (JNE). I am a past
23 President of the Beverly Hills Bar Association. I have just last week resigned as the
24

25 ¹ This is a summary. A complete 56 page curriculum vitae can be provided.

26 ² The Rules Revision Committee substantially revised and renumbered the Rules of
27 Professional Conduct, effective November 1, 2018.

1 Beverly Hills Bar Association's delegate to the ABA's House of Delegates. I attended the
2 American Bar Association's Midyear Meeting by way of Zoom on February 14, 2022.

3 4. ARTICLES: I formerly published approximately five articles annually in
4 the areas of professional responsibility, ethics, and State Bar practice. Periodicals that
5 have published my articles include the ABA's Professional Lawyer, The Georgetown
6 Journal of Legal Ethics (Winter 2004, review of the five-volume treatise Legal
7 Malpractice by Mallen & Smith); California Lawyer, L.A. Lawyer, The Daily Journal, the
8 Consumer Attorneys' Advocate and Forum. The June (2007, Vol. 30, No. 4) Los Angeles
9 Lawyer featured my article on the cover on Prospective Client Waivers. The Los Angeles
10 County Bar Association's Monthly Update featured my article Public Disclosures October
11 2016.

12 5. PUBLICATIONS AND BOOKS: I am the coauthor of Shepard's
13 McGraw/Hill annotated California Lawyer's Guide to Professional Responsibility (1994,
14 1995, 1996). This book has been incorporated into the Cornell Ethics Project with
15 Professor Roger Cramton. It is online at <www.law.cornell.edu/ethics> (not currently
16 updated). I was a contributing editor to Matthew Bender's Attorney Ethics (competency
17 and trust accounts); and an editor of the 1997 update. I published a monthly column (for
18 fifteen years) in the California Bar Journal (the Official Publication of the State Bar of
19 California) "Ethics Byte," that discussed issues involving professional responsibility. I
20 was on National Public Radio (All Things Considered) on September 2011, discussing
21 ABA Opinion 11-459, and have been interviewed on television regarding attorney
22 conduct.

23 6. EDUCATIONAL ACTIVITY: I spoke in approximately six legal ethics
24 CLE programs annually, and many are transmitted over the Internet via Westlaw Legal
25 Ed. For fifteen years, I have presented "Really Interesting Lawyer Stuff" at the State
26 Bar's Annual Meeting. I have spoken about legal ethics in Holland and Paris, and for
27

1 United States lawyers in the European Union in London in 2014 and 2015. My activity
2 has been considerably reduced by the Pandemic, and a desire to retire from active
3 practice.

4 7. STATE BAR EXPERIENCE: I have been retained on approximately five
5 hundred matters before the California State Bar, the California State Bar Court and the
6 California Superior Court, in which the issues of actual or alleged lawyer competency
7 and/or misconduct were involved. As a former adjudicative officer of the State Bar Court
8 (Principal Compensated Referee), I have rendered detailed written decisions on more than
9 thirty matters involving actual or alleged lawyer misconduct.

10 8. EXPERT WITNESS EXPERIENCE: I have served as an expert witness in
11 matters of actual and alleged lawyer negligence on approximately three hundred
12 occasions. I was retained by the Department of Justice for six years regarding allegations
13 involving lawyers in class actions. I participated in a program for the Association of
14 Professional Responsibility Lawyers (lawyers who represent lawyers) on "How to Be an
15 Expert," a program which was held at the American Bar Association meeting in 2015 in
16 Houston, Texas.

17 9. In addition to qualifying as an expert in professional responsibility, I qualify
18 as an expert in contract law (since 1990); class actions (I represent several firms in
19 representative litigation), and as Los Angeles Superior Court Appointed Legal Ethics
20 consultant in a class action case.

21 10. I was employed by the Department of Justice for approximately six years in
22 a notorious case involving the indictment of a law firm known as "Milberg Weiss." The
23 indictment was issued within a week of my testimony at the Federal Grand Jury in Los
24 Angeles. All the named partners of the firm were actually incarcerated.

25 11. I involved in and was part of the members' consultant group for the
26 American Law Institute's Members Consultant Group for the Principles of Aggregate
27

1 Litigation. The ALI, authors the “Restatements” of the law for various areas of
2 specialization.

3 **RELATIONSHIP WITH KINGSLEY & KINGSLEY**

4 12. I was consulted and retained in this matter in the last week of May 2023. I
5 have consulted with Eric Kingsley on many cases and worked on an as needed expert
6 during the last decade.

7 13. I participated in several telephone conversations and exchanged emails
8 during the last week of May, June and July, regarding this case.

9 14. Lawyers and law firms may consult with ethics counsel, and consultation
10 does not waive potential privileges that could become applicable if there was a tribunal
11 and an attempt to compel disclosure.³

12 **BACKGROUND**

13
14 15. The conversations and emails involved issues regarding the designated lead
15 plaintiff of *Guinto v. C&K Market, Inc.* or (Maria Gloria F. Guinto) and facts involving
16 the class action case created by the Court’s Order of May 4, 2023.

17 16. Please note that since the Rules were significantly changed in 2018, the
18 declarant would speculate that due to the Pandemic, there are few reported cases
19 involving the current Rules. Although this is a personal observation, it is one supported
20 by conversations with others who would qualify as experts in professional responsibility.

21 17. Due to the paucity of case law involving the new Rules, older cases must be
22 considered and when applicable, out of state cases. Note that the Rules have been “re-
23 numbered” to reflect the numbering system utilized by the American Bar Association’s
24 Model Rules of Professional Conduct, and used throughout the United States by virtually
25

26
27 ³ *Fox Searchlight v. Paladino* (2001) 89 Cal. App.4th 294, 312.

1 all states at this time.⁴

2 **COURT ORDER MAY 4, 2023**

3 18. In that Order the Court granted preliminary approval of the Class⁵ . . . ”
4 That Order profoundly changed the relationship of the lead plaintiff, lead counsel, and the
5 Court, because once a class action is created everything is drastically modified in terms of
6 the application of the ethics rules that govern the legal profession.

7 19. The paradigm of the Rules of Professional Conduct is of one-client and
8 one-lawyer, or a relationship between individuals⁶. The majority of the California Rules are
9 addressed to "a member's" duty to "a client." This is fundamentally inconsistent with class
10 actions, which are intended to assist sizeable groups of litigants seeking the redress of possibly
11 multiple claims in one court managed action. According to the Order, the class herein is “1,024”
12 persons.

13 20. California Courts are not bound by federal rules of procedure, but may look to the
14 federal cases for guidance when California precedent is lacking.⁷ In general in class actions,
15 California courts will follow federal cases or theories.

16 21. Since the structure is radically changed in a class action, the duties and obligations
17 of the parties are vastly different from a typical singular relationship. In this particular matter, the
18 client’s unfettered right to terminate the employment status of the lawyer has become
19

20 ⁴ California was one of the last states to adopt the American Bar Association’s “Model
21 Rule” numbering system.

22 ⁵ Page 1, Court Order May 4, 2023, line7.

23 ⁶ John Leubsdorf, Pluralizing the Client-Lawyer Relationship 1992, 77 Cornell Law
24 Review; Menkel-Meadow, Ethics and the Settlement of Mass Torts (1995) 80 Cornell L. Rev.
25 1159; In Re Corn Derivatives Antitrust Litigation (1984 748 F. 2d 157, 163 (Adams, J.
concurring)

26 ⁷ *Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App. 4th 224, *State Comp. Ins. Fund v.*
27 *WPS, Inc.* (1999)

1 controversial.

2 22. Thus a lead plaintiff, does not have the same "rights" a traditional client would
3 posses and lead plaintiffs actually assumes fiduciary obligations to the other members of the
4 proposed class of claimants.

5 23. The ethical obligations of lawyers are difficult to reconcile in class actions, mass
6 acts or mass torts. In essence, the traditional rule often "breaks down."⁸

7 24. In class action litigation, many of the customary ethics issues arise under different
8 labels than those ordinarily encountered in typical litigation. In class actions, they can arise at
9 any point, including certification or contact with members, adequacy of counsel, etc. They most
10 often develop in or in conjunction with the fairness (settlement) hearing. In the seminal article
11 on conflicts, a renowned ethics scholar, Drinker⁹ stated that often federal courts do not explicitly
12 address the professional responsibility issues. This is because often Rule 23 trumps common
13 ethics issues (or subsumes them) within the penumbra of the Rule, with different labels than are
14 ordinarily encountered in traditional non-class action litigation.

15
16 ⁸ *Bash v Firstmark Standard Life Insurance Co*, 861 F2d 159, 161 (7th Cir 1988) (noting
17 that "strict application of rules on attorney conduct that were designed with simpler litigation in
18 mind might make the class-action device unworkable in many cases"); *In re "Agent Orange"*
19 *Products Liability Litigation*, 800 F2d 14, 18-19 (2d Cir 1986) (noting that "the traditional rules
20 that have been developed in the course of attorneys' representation of the interests of clients
21 outside of the class action context should not be mechanically applied to the problems that arise
22 in the settlement of class action litigation"); *In re Corn Derivatives Antitrust Litigation*, 748 F2d
23 157, 163 (3d Cir 1984) (Adams concurring) (noting that "traditional model cannot be carried
24 over unmodified to the class action arena, since no clear allocation of decision-making
25 responsibility has emerged between the attorney and class members"). Academic commentators
26 also acknowledge that class actions present special problems. See, for example, Bruce A. Green,
Conflicts of Interest in Litigation: The Judicial Role, 65 Fordham L Rev 71, 127 (1996) ("The
conflict rules do not appear to be drafted with class action procedures in mind and may be at
odds with the policies underlying the class action rules."); Brian J. Waid, Ethical Problems of the
Class Action Practitioner: Continued Neglect by the Drafters of the Proposed Model Rules of
Professional Conduct, 27 Loyola L Rev 1047, 1048-49 (1981) (noting that ethics rules provide
inadequate guidance for class actions).

27 ⁹ He wrote the seminal law review article on conflicts of interest.

25. Therefore conflicts or “divided loyalty” that would be prohibited or banned in traditional case will be permitted in a class or representative matter. Pursuant to the Rules, all agreements must be fully disclosed to the court. Thus the court consents to a conflict is if it was a traditional case. California has well-developed rules that apply to conflict consents and those theories are often utilized in aggregate cases.

26. "Thus, we conclude that the traditional rules that have been developed in the course of attorneys' representation of the interests of clients outside of the class action context should not be mechanically applied to the problems that arise in the settlement of class action litigation. . . . Rather, there must be a balancing of the interests of the various groups of class members and of the interest of the public and the court in achieving a just and expeditious resolution of the dispute."¹⁰

27. A final overarching principle uniquely applicable to California is that clients are vested with greater autonomy and control of their cases than in other states which follow the American Bar Association's Model Rules, this is because clients in California, have and are entitled to greater confidentiality protections than exist in any other state.^{11 12}

28. In class actions, courts consider and reach reasoned decisions by relying upon cases interpreting FRCP 23. Out-of-state cases, therefore, will involve interpretation of the American Bar Association’s Model Rules of Professional Conduct.¹³

ETHICS ISSUES IN CLASS ACTIONS

¹⁰ *In re Agent Orange Product Liability Litigation*, 800 F.2d 14

11. *State Comp. Ins Fund v. WPS, Inc* 70 Cal App. 4th 644

¹² *State Comp. Ins Fund v. WPS, Inc* 70 Cal App. 4th 644

¹³ Please note that this distinction may seem to lack merit since in November 2018 the California Supreme Court adopted a version of the American Bar Association Model Rules. That may facially appear accurate but is in fact not true, there were approximately 20 separate sections that do not follow the ABA's position on uniquely Californian issues, generally involving matters of confidentiality.

1 29. "Ethics issues arise frequently in class action litigation," and "[conflicts of interest
2 pervade class action litigation. Because of the large numbers of claims and the potential for
3 members of the class to be differently situated with respect to particular issues, tensions among
4 class members are common, even ubiquitous.

5 **ROLE OF THE JUDICIARY IN CLASS ACTIONS**

6 30. Federal courts and home state courts in class actions have enhanced and
7 substantially broader duties.

8 "Judges also can play an important role in combating conflicts of interest. The remedy
9 lies in judicial supervision and continuing scrutiny of potential conflicts of interest that
10 might cloud counsel's judgment. . . . [Par.] . . . The notion that the court must protect the
interests of the absent class members should be constant throughout the litigation, not just
for settlements."¹⁴

11 31. Therefore, "the judge in a class action necessarily must actively and independently
12 protect the rights of absent class members."¹⁵ They can consent or waive potentially impaired or
13 marginally conflicted counsel representation for the client in more typical cases. This authority is
14 amplified since such actions are equitable in nature¹⁶.

15 32. Thus, "[as judges slowly accept the need to develop case management techniques,
16 they also may be persuaded to assume a consultative role in order to avoid potential conflicts of
17 interest."

18 33. "Class action law creates the group, determines its member, appoints its
19 leader-representatives, fixes the scope of the representation, regulates compensation, and
20 establishes criteria to govern the settlement. Since there is no private ordering among the group
21 members, institutional governance structures for class actions are necessarily imposed from
22
23

24 ¹⁴ Kane, Mary Kay, Of Carrots and Sticks: Evaluating the Role of the Class Action
25 Lawyer (1987) 66 Tex. L.Rev. 385, 402.

26 ¹⁵ Kane at 405.

27 ¹⁶ *City of San Jose v. Superior Court of Santa Clara County* (1974) 12 Cal. 3d 447

1 above." (Emphasis added.)¹⁷

2 34. Ethical issues in class actions occur in the unique aspects of Rule 23, as opposed
3 to traditional cases, and are evaluated and considered at different stages than traditional litigation.
4 They are considered under the criteria of Rule 23, which gives the courts greater discretion.

5 35. Actually, the same or similar ethics problems are encountered in class actions as
6 typical litigation, the acts are given different labels. Thus, the fiduciary duties exist in class
7 actions. They merely have different terms. The most important or significant duty any fiduciary
8 owes to the beneficiary is that of loyalty, in fact, some scholars maintain that all the other duties,
9 independent judgement, confidentiality, communication, and safe keeping of property and files
10 are all engendered or encompassed within the penumbra of the duty of loyalty.

11 36. There are essentially five fiduciary duties. Loyalty, confidentiality, independent
12 judgement, safe keeping of files and property, and communication.

13 37. Thus breach of the duty of loyalty is by far the most reprehensible act.

14 38. Therefore, the Court, lead plaintiff and lead counsel all owe fiduciary duties to the
15 absent class members.

16 **ENHANCEMENTS OR INCENTIVES**

17 39. In or about May 2006, the most famous class action law firm in the United States
18 was indicted by the Department of Justice.¹⁸

19 40. The Millberg case involved a sophisticated method of paying referral fees to the
20 lawyer whose client was a holder of a given security and who would act as "lead plaintiff," it was
21 a complex method of moving lawyers' fees to the lead plaintiff in cases by using the permissible
22 right of lawyers in California to received referral fees.¹⁹ It involved obstruction of justice because
23

24 ¹⁷ Charles Silver, Lynn A. Baker, Mass Lawsuits and the Aggregate Settlement Rule
25 1997 32 Wake Forest L. Rev. 733, 739-740

26 ¹⁸ New York Times, May 18, 2006.

27 ¹⁹ Note, in other states the receipt of a "bare naked referral fee" is prohibited and referral
28

1 when settlement was reached nobody but the Milberg lawyers knew was actually occurring. The
2 firm would give lead plaintiffs a certain amount of money **not** to object to the settlement. It was a
3 criminal game and clearly more involved than this simple explanation all the indicted (four)
4 partners of the most famous class action law firm in the country served actual time in
5 penitentiaries.

6 41. The point is that there has been controversy over lawyers and referral fees for
7 decades. Every few years congress would enact new legislation to in some manner control these
8 fees. Thus for example, the Private Litigation Security's Reform Act of 1995 had a strong
9 directive that the judiciary should closely monitor attorneys fees. The Class Action Fair Act had
10 the same goal.

11 42. Enhancements are important and attempt to fairly compensate the lead plaintiff for
12 their contribution to the case. The amount awarded depends upon the type of case, the amount of
13 risk assumed, the fact that the problem may be ongoing or need continual assistance, typical
14 expense, anxiety or the stress of the incident etc.

15 43. Therefore, it is not unusual for problems to develop during settlement.

16 **THE STATUS OF LEAD PLAINTIFF IN A CLASS ACTION**

17 44. Another difference in the traditional litigation paradigm which suggests the need
18 for active judicial participation, is the frequent "absence" of a class representative. "The class
19 itself often speaks in several voices."²⁰ There is some authority that a class "representative" is
20 unnecessary and redundant.

21 45. Law review articles have been written where the "lead plaintiff" is referred to as a
22 "mere figurehead."²¹ Authorities often comment that lead plaintiff is redundant since the case is
23

24
25 fees are substantially more regulated.

26 ²⁰ *Blanchard v. EdgeMark Financial Corp.*, 175 F. R.D. 293.

27 ²¹ Jean Wegman Burns, *Decorative Figureheads: Eliminating Class Representatives in*

1 entirely managed, created and resolved by the lead counsel.

2 46. It is not unusual for lead plaintiff to act in a manner inconsistent with their
3 fiduciary duties. Note that such conduct does not terminate the validity of the claim asserted by
4 the other hundreds of plaintiffs.

5 47. Conduct that violates fiduciary obligations is common and the reason in my
6 practice I often advise law firms involved in aggregate litigation to have several lead plaintiffs.

7 48. Lawyers train for years, and inherent in all the training and law school is an
8 understanding of fiduciary obligations. Lead Plaintiff lacks training and may not understand the
9 inherent duties and obligations of acting in a representative capacity.

10 **CONTROVERSIAL ISSUES**

11 49. In this case controversial issues arise involving settlement. Those issues involved
12 the violation of fiduciary duties, termination of counsel, and other facts and circumstances that
13 could more appropriately be disclosed during an in camera proceeding²².

14 50. If such a proceeding was sought by the Court so that the Court could obtain
15 additional information, facts, or details, it should exclude opposing counsel since the issues
16 herein do not involve their interests and solely involve the relationship as between lead counsel
17 and lead plaintiff.

18 51. In a traditional case not involving representative litigation, the Court advised
19 counsel to seek an "in camera" meeting to best protect the various interests involved in the case²³.

20 52. These are serious issues further it is our understanding that lead plaintiff
21 additionally consulted with another member of the State Bar of California regarding the proper
22

23 *Class Action*, 42 Hastings L.J. 165 (1990)

24 ²² *Manfredi Levine v. Superior Court* (1998) 78 Cal.Rptr. 2d 494. Declarant was counsel
25 of record in the case.

26 ²³ The gist of *Manfredi* involved the disclosure of information that would reflect
27 negatively on the plaintiff.

1 resolution of this matter.

2 **BREACH OF FIDUCIARY DUTY**

3 53. Another critical fiduciary duty that is almost emblematic of a lawyers is that of
4 confidentiality. Lawyers are fiduciaries as a matter of law and one of the iconic fiduciary duties
5 of a lawyer is that of confidentiality. Mr. Kingsley owes fiduciary duties to Ms. Guinto and the
6 other class members including confidentiality.

7 **IN CAMERA REVIEW**

8 54. In recognition of the duty of confidentiality, and in accordance with the
9 procedures supported in *Manfredi*. Mr. Kingsley requests an *in camera* review of the
10 facts and circumstances involving this case if the Court needs additional information

11 55. Additionally, the firm is specifically requesting that counsel for the
12 Defendant be excluded from that review. These issues have nothing to do with the defendant
13 or defendant's counsel.

14 56. Both Mr. Kinglsely and I can be available should the Court wish for more
15 assistance in resolving any issues regarding this controversy.

16
17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct.

19 Executed this August 21, 2023, at Los Angeles, California

20
21 
22 Diane L. Karpman

EXHIBIT "1"

Daily Journal

March 9, 2022



TOP Professional Responsibility LAWYERS 2022

Diane L. Karpman, a leading legal ethicist, entered the field not long after getting her bar card in 1975. She was an instructor in contracts and torts at the University of West Los Angeles School of Law when the State Bar appointed her a referee to hear cases against errant attorneys.

"Title IX had just passed and they needed girls," she said of how a new push toward gender balance propelled her into teaching and the ethics arenas. "I learned that lawyers could go down the path toward evil." Her insight into the need for discipline defense attorneys focused her career. "True, people don't go to law school to become criminal masterminds. But I realized I was born to defend lawyers."

Karpman also developed her legal ethics skills to the point of becoming a much-sought expert witness, notably in the long-running federal racketeering and kickback case against Milberg Weiss LLP in the early 2000s. The government accused firm partners of misconduct in class actions and shareholder derivative suits. "I was the DOJ's expert for seven-and-a-half years," she said. "If I majored in ethics, I have a minor in class actions—an area in which lawyers can get into a lot of trouble."

These days, Karpman works out of her home office with her husband, Steve, her paralegal. She has no website. "I'm not looking for new business, because my old clients keep coming

back," she said. "To get my attention now, you have to be recommended by someone I work for—or have a really interesting case. I'm not interested in doing the same old things anymore."

She's strongly protective of the duty of confidentiality owed to those she represents. When a reporter mentioned longtime client Thomas V. Girardi, currently under fire and not eligible to practice due to client trust fund embezzlement charges, she declined to discuss him at all.

In 2010, a 9th U.S. Circuit Court of Appeals identified Karpman as Girardi's attorney in its decision to formally reprimand him for his role in a scheme to offer courts a spurious document to enforce a \$489 million foreign judgment on behalf of Nicaraguan banana farmers. Represented by Karpman, Girardi emerged from that probe better than two co-defendants who were suspended for six months from practice before the circuit. In re: Thomas V. Girardi Esq. et al., 08-80090, 03-57038 (9th Cir., op. filed July 13, 2010).

In 2018, Karpman co-authored a state Supreme Court amicus brief for the Beverly Hills Bar Association supporting a corporate client in its refusal to pay its former law firm's million-dollar bill over the firm's undisclosed conflict. The high court largely adopted Karpman's view. *Sheppard, Mullin, Richter & Hampton LLP v. J-M Manufacturing Co. Inc.*, S232946 (Ca. S. Ct., op. filed Aug. 30, 2018).

Diane Karpman

KARPMAN & ASSOCIATES

LOS ANGELES

LEGAL ETHICS AND
PROFESSIONAL
RESPONSIBILITY;
STATE BAR ISSUES,
EXPERT WITNESS/
CONSULTANT SERVICES,
AND M.C.L.E.



"We're talking about basic lawyer honesty," Karpman said,

— JOHN ROEMER

(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On September 18, 2023, I served all interested parties in this action the following documents described as: **DECLARATION OF ERIC B. KINGSLEY IN SUPPORT OF SUPPLEMENTAL ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Grace Y. Horoupian
ghoroupian@fisherphillips.com
FISHER & PHILLIPS LLP
2050 Main Street, Suite 1000
Irvine, California 92614
Via electronic mail transmission

Gregory L. Blueford
gblueford@fisherphillips.com
FISHER & PHILLIPS LLP
621 Capitol Mall, Suite 1400
Sacramento, California 95814
Via electronic mail transmission

Maria Gloria F Guinto
396 East Lake St
Weed, CA 96094
mguinto8668@gmail.com
Via electronic mail transmission and U.S. mail

[XX] (BY MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Encino, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[XX] (BY ELECTRONIC SERVICE): I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] BY ELECTRONIC MAIL TRANSMISSION: I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 18, 2023, at Woodland Hills, California.



Michelle Tanzer