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5 *Attorneys for Plaintiffs United Desert Charities, Fred Ede III, Emily Williams,*
6 *Bruce Pritchard, Jean Steiner and Settlement Class*

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

9 UNITED DESERT CHARITIES, FRED
10 EDE, III, EMILY WILLIAMS, BRUCE
11 PRITCHARD, and JEAN STEINER, on
behalf of themselves and all others
similarly situated,

12 Plaintiffs,

13 vs.

14 SLOAN VALVE COMPANY,
15 AMERICAN STANDARD BRANDS AS
AMERICA, INC. KOHLER CO.,
16 GERBER PLUMBING FIXTURES,
17 LLC, MANSFIELD PLUMBING
PRODUCTS, LLC, and HOME DEPOT,
U.S.A., INC.,

18 Defendants.

Case No. 2:12-cv-06878 SJO (SHx)

**SUPPLEMENTAL
DECLARATION OF DAVID M.
BIRKA-WHITE IN SUPPORT OF
JOINT MOTION FOR FINAL
APPROVAL OF
MODIFICATIONS OF
SETTLEMENT AGREEMENT
AND PLAN OF ALLOCATION**

The Honorable S. James Otero

Date: September 18, 2017

Time: 10:00 a.m.

Courtroom: 10C

Consolidated Cases:

Berube v. Flushmate

2:13-cv-02372-SJO-SH

Brettler v. Flushmate

2:13-cv-02499-SJO-SH

Kubat, et al. v. Flushmate

2:13-cv-02425-SJO-SH

Patel v. Flushmate

2:13-cv-02428-SJO-SH

Related Cases:

Mergens v. Sloan Valve Co.

2:16-cv-05255-SJO-SKx

Dimov v. Sloan Valve Co.

1:12-cv-09700 (N.D. Ill)

1 I, David M. Birka-White, declare as follows:

2 1. I am an attorney duly licensed to practice law before all courts of the
3 State of California, and I am the senior attorney at Birka-White Law Offices,
4 counsel of record for Plaintiffs United Desert Charities, Fred Ede III, Emily
5 Williams, Bruce Pritchard and Jean Steiner. I am also one of the Class Counsel¹
6 appointed by the Court to represent the Settlement Class in this consolidated action.
7 I submit this supplemental declaration in support of the Joint Motion for Final
8 Approval of Modifications of Settlement Agreement and Plan of Allocation. I have
9 personal knowledge of all facts set forth herein, and, if called as a witness, I can and
10 would testify competently thereto under oath.

11 2. Pursuant to the Notice Program and the Court’s April 10, 2017
12 Amended Order Conditionally Approving Modifications of the Settlement
13 Agreement and Plan of Allocation (ECF No. 164), Settlement Class Members were
14 given the opportunity to comment in writing on the proposed modifications by
15 sending such written comments to my attention, postmarked no later than August
16 21, 2017. As of August 31, 2017, I have not received any written comments on the
17 proposed modifications from any Settlement Class Member.

18 I declare under penalty of perjury, under the laws of the United States of
19 America, that the foregoing is true and correct.

20 Executed this 1st day of September 2017, at Diablo, California.

21
22 */s/ David M. Birka-White*
23 _____
24 DAVID M. BIRKA-WHITE

26 _____
27 ¹ Initial capitalized terms utilized herein have the same definitions as set forth in
28 the Class Action Settlement Agreement and Release, filed January 31, 2014
(ECF No. 119-1) unless otherwise specified.