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20 Attorneys for Plaintiffs JEFF SMITH and JULIE SMITH,
21 on behalf of themselves and all others similarly situated

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

24 JEFF SMITH, an individual; JULIE
25 SMITH, an individual; on behalf of
26 themselves and all others similarly situated,

27 Plaintiffs,

28 vs.

PULTE HOME CORPORATION; and
DOES 1-100,

Defendants.

AND RELATED CROSS-CLAIM.

CASE NO. 30-2015-00808112-CU-CD-CXC
Assigned for all purposes to:
Judge Peter Wilson
Dept. CX-101

**DECLARATION OF JEFF SMITH IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: March 2, 2023
Time: 2:00 p.m.
Dept.: CX-101

Complaint Filed: 09/14/2015

1 I, JEFF SMITH, declare as follows:

2 1. I am over the age of 18 years and am one of the class representatives in the
3 above-captioned class action. I have personal knowledge of the matters contained in this
4 declaration and if called to testify, I would and could competently testify to such matters. I
5 make this declaration upon my personal knowledge and, if called upon and sworn as a witness, I
6 could and would competently testify hereto.

7 2. I am represented by my counsel Bridgford, Gleason & Artinian, Kabateck LLP
8 and McNicholas & McNicholas LLP.

9 3. I submit this declaration in support of the motion for preliminary approval of
10 class settlement.

11 4. I am a class member in this class action and have been asked to serve as one of
12 the class representatives in this action. My wife and I are owners of 21 Via Cristobal, San
13 Clemente, CA 92673 – a home included within this class action.

14 5. I have been kept apprised of this case through Plaintiff's counsel since I became
15 involved in this action in 2015, when I retained plaintiffs' counsel.

16 6. My counsel has explained to me what my obligations are for serving as a class
17 representative in this matter, and I take those obligations seriously and intend to carry out those
18 obligations to the best of my ability. I understand that I may not put my personal interests
19 ahead of the Class Members' interests as a whole and that my interests cannot be antagonistic to
20 those of the Class. My interests align with those of the Class, because the Class and I share the
21 mutual interest of establishing Defendant's liability and obtaining relief for the Class.

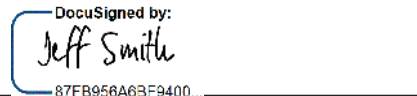
22 7. I have actively worked with my attorneys to assist them in litigating this case,
23 and in the settlement discussions. I have also engaged in several discussions with my counsel
24 regarding the details and status of the lawsuit and settlement. My counsel has routinely
25 informed me of the status of the case and has attended to my questions and concerns about the
26 litigation on my behalf and all similarly situated. I will continue to remain engaged in this
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1 lawsuit through the duration of the litigation and diligently discharge my duties as class
2 representative.

3 8. My counsel has explained to me the terms of the proposed Settlement and
4 answered all questions that I had about its terms. I was fully advised as to the provisions of the
5 proposed Settlement and have reviewed the entire agreement before executing it. I fully support
6 the terms reached within the Settlement and find it to be fair and reasonable when taking into
7 account all aspects of this litigation and the risks as have been explained to me by my counsel.

8 9. I am currently not party to, nor have I been a party to at any time during the
9 course of this litigation, any cases which are similar to this case pending in other jurisdictions.

10
11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct. Executed on 2/1/2023, 2023 at San Clemente,
13 California.

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16  DocuSigned by:
Jeff Smith
87FB956A63F9400...

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18 JEFF SMITH

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PROOF OF SERVICE
Smith v. Pulte Homes, et al.

Orange County Superior Court Case No.: 30-2015-00808112

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 JEFF SMITH IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** 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.
- (X) **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: February 3, 2023

/s/Debbie Knipe
Debbie Knipe

SERVICE LIST**Smith v. Pulte Homes, et al.****Orange County Superior Court Case No.: 30-2015-00808112**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>John Patrick McNicholas, IV, Esq. McNICHOLAS & McNICHOLAS, LLP 10866 Wilshire Blvd., Suite 1400 Los Angeles, CA 90024</p> <p>Brian S. Kabateck, Esq. Richard L. Kellner, Esq. KABATECK LLP 633 West Fifth Street, Suite 3200 Los Angeles, CA 90017</p> <p>Joseph A. Ferrentino, Esq. Jeffrey R. Brower, Esq. NEWMAYER & DILLION LLP 895 Dove Street, 2nd Floor Newport Beach, CA 92660</p> <p>Adrienne D. Cohen, Esq. Temre L. Fischer, Esq. LAW OFFICES OF ADRIENNE D. COHEN 18300 Von Karman Ave., Suite 410 Irvine, CA 92612</p> <p>Anna S. McLean, Esq. SHEPPARD MULLIN RICHTER & HAMPTON Four Embarcadero Center, 17th Floor San Francisco, CA 94111-4109</p> <p>Tracey A. Kennedy, Esq. SHEPPARD MULLIN RICHTER & HAMPTON 333 South Hope St., 43rd Floor Los Angeles, CA 90071-1422</p>	<p>Co-Counsel for Plaintiffs Telephone: (310) 474-1582 Facsimile: (310) 475-7871 pmc@mcnicholaslaw.com</p> <p>Co-Counsel for Plaintiffs Telephone: (213) 217-5000 Facsimile: (213) 217-5010 bsk@kbklawyers.com rlk@kellnerlaw.com</p> <p>Counsel for Defendant/Cross-Complainant PULTE HOME CORPORATION Telephone: (949) 854-7000 Facsimile: (949) 854-7009 joseph.ferrentino@ndlf.com jeffrey.brower@ndlf.com sue.peterson@ndlf.com Jennifer.sebring@ndlf.com</p> <p>Counsel for Intervenor ACE AMERICAN INSURANCE COMPANY for RCR PLUMBING & MECHANICAL, INC. Telephone: (714) 954-0790 Fax: (714) 954-0791 adc@adcohen.com ckw@adcohen.com tlf@adcohen.com</p> <p>Counsel for Defendant/Cross-Complainant PULTE HOME CORPORATION Telephone: (415) 434-9100 Facsimile: (415) 434-3947 amclean@sheppardmullin.com</p> <p>Counsel for Defendant/Cross-Complainant PULTE HOME CORPORATION Telephone: (213) 620-1780 Facsimile: (213) 620-1398 tkennedy@sheppardmullin.com</p>
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