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16 [*Additional Counsel listed on following page*]

17 **UNITED STATES DISTRICT COURT**
18 **EASTERN DISTRICT OF CALIFORNIA**
19 **SACRAMENTO DIVISION**

20 UNITED STATES OF AMERICA, *ex rel.*
DENIKA TERRY, ROY HUSKEY III, and
21 TAMERA LIVINGSTON, and each of them for
themselves individually, and for all other persons
22 similarly situated and on behalf of the UNITED
STATES OF AMERICA

23 Plaintiffs/Relators,

24 vs.

25 WASATCH ADVANTAGE GROUP, LLC,
WASATCH PROPERTY MANAGEMENT, INC.,
26 WASATCH POOL HOLDINGS, LLC,
CHESAPEAKE APARTMENT HOLDINGS, LLC,
27 LOGAN PARK APARTMENTS, LLC, LOGAN
PARK APARTMENTS, LP, ASPEN PARK
28 HOLDINGS, LLC, BELLWOOD JERRON
HOLDINGS, LLC, BELLWOOD JERRON

Case No.: 2:15-CV-00799-KJM-DB

CLASS ACTION

**DECLARATION OF JESSE NEWMARK IN
SUPPORT OF PLAINTIFFS' MOTIONS
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND FOR
REASONABLE FEES, COSTS, AND
EXPENSES**

Date: Jan. 23, 2025
Time: 10:00 a.m.
Dept: Court 3, 15th Floor
Before: Hon. Chief Judge Kimberly J. Mueller

1 APARTMENTS, LP, BENT TREE
2 APARTMENTS, LLC, CALIFORNIA PLACE
3 APARTMENTS, LLC, CAMELOT LAKES
4 HOLDINGS, LLC, CANYON CLUB HOLDINGS,
5 LLC, COURTYARD AT CENTRAL PARK
6 APARTMENTS, LLC, CREEKSIDE HOLDINGS,
7 LTD, HAYWARD SENIOR APARTMENTS, LP,
8 HERITAGE PARK APARTMENTS, LP, OAK
9 VALLEY APARTMENTS, LLC, OAK VALLEY
10 HOLDINGS, LP, PEPPERTREE APARTMENT
11 HOLDINGS, LP, PIEDMONT APARTMENTS,
12 LP, POINT NATOMAS APARTMENTS, LLC,
13 POINT NATOMAS APARTMENTS, LP, RIVER
14 OAKS HOLDINGS, LLC, SHADOW WAY
15 APARTMENTS, LP, SPRING VILLA
16 APARTMENTS, LP, SUN VALLEY HOLDINGS,
17 LTD, VILLAGE GROVE APARTMENTS, LP,
18 WASATCH QUAIL RUN GP, LLC, WASATCH
19 PREMIER PROPERTIES, LLC, WASATCH
20 POOL HOLDINGS III, LLC,
21 and DOES 1-4,

22 Defendants.

23
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27 Attorneys for Relators
28

1 I, Jesse Newmark, declare as follows:

2 1. I am an attorney admitted to practice before all Courts of the State of California, the
3 Eastern and Northern Districts of California, the Ninth Circuit Court of Appeals, and the United States
4 Supreme Court. I am a member in good standing of the California State Bar, and counsel of record for
5 Plaintiffs and the Classes in this case. I have personal knowledge of all of the facts set forth in this
6 Declaration unless otherwise stated, and I am competent to testify to these facts if called on to do so.

7 2. I am the Litigation Director at Centro Legal de la Raza. I have been lead counsel for
8 Centro Legal in this case for more than a decade, since we joined the Law Offices of Andrew Wolff in
9 investigating the facts underlying this action in April 2014. The Court appointed Centro Legal and I as
10 Class Counsel when it certified the Classes on July 30, 2018. I have been closely involved in every
11 aspect of this litigation over the past ten years.

12 **THE SETTLEMENT**

13 3. For all of the reasons set forth in my declaration in support of preliminary approval,
14 ECF No. 544-6, I believe the proposed settlement is an outstanding result for the Classes. Both the
15 injunctive and monetary terms of the settlement provide all, or nearly all, of the relief that the Classes
16 could have won if Plaintiffs succeeded at trial and on appeal.

17 4. As of the date of this filing, dozens of Class Members have contacted Class Counsel or
18 the settlement administrator, including to update their addresses and ask questions about the settlement
19 process. Class Member responses have been uniformly positive, and many expressed their
20 appreciation for the settlement. No one has objected to or opted out of the settlement. This
21 overwhelming support for the settlement also weighs in favor of final approval.

22 **SERVICE AWARDS**

23 5. As detailed in my declaration in support of preliminary approval, I believe the requested
24 service awards are fair and reasonable given the excellent results for the Classes, the efforts taken and
25 sacrifices made by the Class Representatives, and their complete releases of all claims.

26 **ATTORNEYS' FEES & COSTS**

27 6. For more than a decade, Centro Legal staff have investigated and litigated this hard-
28 fought, complex, and important case for Section 8 tenants. Along with our co-counsel, we: thoroughly

1 investigated the underlying facts; conducted extensive discovery and document review; successfully
2 litigated contested class certification, summary judgment, and other motions; and fully prepared
3 witnesses and evidence for trial. As the Court is aware, Defendants' vigorously contested all liability.
4 Nonetheless, Plaintiffs' and Class Counsel's efforts over the past decade enabled us finally to obtain a
5 settlement providing full injunctive relief and almost complete monetary recovery for Class Members.

6 7. Centro Legal staff contemporaneously recorded all of their time worked on this case,
7 using attorney billing software. For each task performed, staff accounted for their time in 1/10th of an
8 hour (6-minute) increments or shorter, and included a brief narrative description of the work
9 performed. Staff did not "block bill." To ensure efficiency at Centro Legal and with co-counsel, Class
10 Counsel have coordinated their work closely and divided it in a manner so as to avoid duplication.

11 8. I have generated a report with each Centro Legal staff member's time records for this
12 case through November 30, 2024. The entries and hours are an accurate representation of the actual
13 time that we spent working on this matter. I have reviewed all of the entries and believe the hours
14 expended were reasonable and necessary to the success of this litigation. I am prepared to submit these
15 time records to the Court for *in camera* review upon request.

16 9. As of November 30, 2024, Centro Legal staff had devoted approximately 1,889.6 hours
17 to this litigation. I estimate that approximately 1,026.9 (54.3%) of these hours were committed to
18 litigating the class claims (rather than Plaintiffs' False Claims Act claim).

19 10. As detailed in the Declaration of Anne Bellows in support of these motions, each Class
20 Counsel has exercised reasonable billing judgment by reviewing all of the detailed time records at our
21 respective firms and organizations, and implementing a comprehensive set of billing judgment rules.
22 The exercise of such billing judgment by Centro Legal resulted in: a reduction of our total hours by
23 approximately 19.6%, to 1518.9 total hours; and a reduction of our hours towards the class claims by
24 approximately 20.3%, to 818.6 hours.

25 11. The chart below provides the detailed lodestar information for Centro Legal staff after
26 the exercise of reasonable billing judgment, and including only hours committed to litigating the class
27 claims, with 2024 hourly billing rates based on rates approved by this Court for the Eastern District of
28 California:

Centro Legal Lodestar (for class claims only, after billing judgment, with E.D. Cal. rates)					
Staff	Years of Experience	Position	Hours	E.D. Cal. Rate	Lodestar
Newmark, Jesse	18	Litigation Director	741.7	\$ 550	\$ 407,941.88
Bassey, Henrissa	9	Directing Attorney	31.0	\$ 460	\$ 14,246.20
Felder Heim, Lee Ann	3	Law Clerk	45.9	\$ 150	\$ 6,882.75
		Total:	818.6		\$ 429,070.83

12. I have provided a detailed description of Centro Legal and the credentials and experience for myself and the other Centro Legal staff who worked on this case, in my declaration in support of preliminary approval. *See* ECF No. 544-6 at 7-9.

13. Briefly, I have practiced law in California for over eighteen years, since graduating from Harvard Law School in 2006. As Litigation Director for Centro Legal since 2013, I have developed and managed Centro Legal's entire affirmative and impact litigation docket for more than a decade now. I am lead counsel for Centro Legal and have been appointed as class counsel in numerous regional and nationwide class actions in state and federal court. I have also completed two federal clerkships, for Judge Richard A. Paez on the Ninth Circuit Court of Appeals and Judge Dean D. Pregerson for the Central District of California. I have been lead counsel for Centro Legal and actively involved in all aspects of this litigation since April 2014, as discussed more below.

14. Henrissa Bassey, now the Directing Attorney for Bet Tzedek's Preventing and Ending Homelessness Project, graduated from the American University Washington College of Law in 2015 after receiving a Master of Public Health from U.C. Berkeley. She worked on this case during her time at Centro Legal as our Tenants' Rights Directing Attorney. Relevant to the class claims, Ms. Bassey led Centro Legal's team in conducting class member interviews and preparing their declarations. She also conducted extensive research and drafted a memorandum related to our communications with the local housing authorities, which played a crucial role in this case.

15. Lee Ann Felder Heim, now an Immigrants' Rights Staff Attorney at the Asian Law Caucus, graduated from U.C. Berkeley in 2021. She worked on this case during her time at Centro

1 Legal as a law clerk. Ms. Felder Heim researched and drafted three memoranda on important legal
2 issues for Plaintiffs' claims that informed our dispositive motions and strategy throughout the case.

3 16. State and federal courts throughout Northern California have regularly awarded
4 attorneys' fees to Centro Legal using hourly rates based on the LSI Laffey Matrix. *See, e.g., Torres v.*
5 *Cook*, No. 22CV00672 (Mendocino County Super. May 6, 2024) ("The Court finds that the following
6 hourly rates [based on the 2023-24 Laffey Matrix] are reasonable . . . [including] \$878 for attorney
7 Jesse Newmark," and "awards a multiplier of 1.5 . . . because of the degree of success achieved,
8 quality of representation, contingent risk, and delay in payment."); *Vasquez v. Libre by Nexus, Inc.*,
9 No. 17-CV-00755 CW, 2023 WL 360242 (N.D. Cal. Jan. 23, 2023), *aff'd sub nom., Vasquez v.*
10 *Donovan*, No. 23-15278, 2024 WL 2874152 (9th Cir. June 7, 2024) ("The Court finds that the
11 requested hourly rate[] of \$829 [for Jesse Newmark is] . . . reasonable in light of the [2022-23] Laffey
12 Matrix and Class Counsel's experience."); *Hernandez v. Grubmarket, Inc.*, Nos. RG20071436 &
13 RG20052426, 2022 WL 14893432 (Alameda County Super. Sept. 15, 2022) (granting final approval of
14 attorneys' fees based on the 2021-22 Laffey Matrix hourly rate of \$764 for Jesse Newmark); *Flamenco*
15 *v. Township Bldg. Servs.*, No. CGC-18-567076 (San Francisco Super. Jan. 5, 2023) (approving
16 attorneys' fees at default judgment based on 2021-22 Laffey Matrix hourly rates); *Brown v. Upside*
17 *Gading, LP*, No. RG18928503 (Alameda County Super. Sept. 1, 2021) (granting final approval of
18 attorneys' fees "based on Counsel's reasonable hourly rates" using the 2020-21 Laffey Matrix); *Cruz*
19 *v. Las Montañas*, No. MSC17-00330 (Contra Costa County Super. March 12, 2021) (granting final
20 approval of attorneys' fees approximating the lodestar based on 2020-21 Laffey Matrix hourly rates).

21 17. The regular hourly rates for Jesse Newmark, Henrissa Bassey, and Lee Ann Felder
22 Heim would therefore typically be at least approximately \$950, \$840, and \$260 respectively in
23 Northern California, based on the 2024-25 Laffey Matrix. However, all Class Counsel have
24 substantially lowered our hourly rates for purposes of these motions, based on hourly rates approved
25 by this Court for the Eastern District of California. As detailed in the table above, the hourly rates (and
26 years of experience to date) used to calculate Centro Legal's lodestar for purposes of these motions
27 are: \$550 for Jesse Newmark (18 years), \$460 for Henrissa Bassey (9 years), and \$150 for Lee Ann
28 Felder Heim (3 years, but billed as a law clerk).

CENTRO LEGAL'S LITIGATION ROLE AND TASKS

18. I was the lead counsel for Centro Legal on this litigation. In addition to my own legal work, I supervised the Centro Legal attorneys, paralegals, and law clerks who performed work necessary to litigate this case, prepare it for trial, and negotiate the settlement. Together with the other Class Counsel in this case, I also helped to develop and implement our overall litigation and settlement strategy. Using the task categorization system described in Anne Bellows' declaration, the chart below summarizes the distribution of Centro Legal's time across the categories of litigation tasks:

Task Code	Description	Hours	Lodestar
L100	Case Administration	6.6	\$ 3,605.25
L110	Fact Investigation	33.1	\$ 17,020.20
L120	Analysis, Strategy, and Legal Research	62.9	\$ 16,218.88
L130	Experts & Consultants	8.7	\$ 4,755.23
L160	Settlement	96.9	\$ 53,321.13
L210	Pleadings	49.4	\$ 27,143.88
L230	Court Mandated Conferences	13.4	\$ 7,393.38
L240	Summary Judgment Motions	40.3	\$ 22,073.25
L250	Other Written Motions or Submissions	2.1	\$ 1,149.50
L260	Class Action Procedures	128.3	\$ 70,537.50
L300	Other Discovery	6.8	\$ 3,701.68
L310	Written Discovery	3.9	\$ 2,142.25
L320	Requests for Production and Document Productions	2.9	\$ 1,619.75
L325	Document review	30.1	\$ 16,563.25
L330	Depositions	72.1	\$ 39,588.88
L340	Expert Depositions	4.0	\$ 2,220.63
L350	Discovery Motions	3.5	\$ 1,907.13
L410	Trial Preparation Re Fact Witnesses	109.4	\$ 58,819.73
L420	Trial Preparation Re Expert Witnesses	16.2	\$ 8,882.50
L430	Written Motions or Submissions for Trial	57.8	\$ 31,794.13

L440	Other Trial Preparation and Support	60.8	\$ 33,413.88
L450	Trial and Hearing Attendance	8.5	\$ 4,650.25
L460	Post-Trial Motions	1.0	\$ 548.63
Total		818.6	\$ 429,070.83

19. A summary of Centro Legal’s work performed on the case is as follows:

Case Investigation, Class Discovery and Certification, Defendants’ Rule 23(f) Petition
(Oct. 2013 to Oct. 2018)

20. In April 2014, Centro Legal joined the Law Offices of Andrew Wolff (“Wolff”) to begin investigating this prospective class action. From 2014 to 2015, our two organizations investigated Defendants’ practices, developed Plaintiffs’ legal claims, and drafted and filed the complaint. In doing so, we conducted outreach to potential tenant witnesses and class representatives at Defendants’ properties, and consulted with attorney and agency experts on claim and case strategy.

21. After the complaint was unsealed in 2016, Centro Legal and Wolff worked together to prepare and begin implementing a class discovery plan, file an amended complaint, and defend against Defendants’ motion to dismiss. I was the lead attorney in researching and drafting the opposition to Defendants’ motion and preparing our oral argument. During this time, we also drafted and revised initial disclosures and joint statements, negotiated a protective order, prepared for and attended status conferences, and engaged in meet and confer efforts with Defendants.

22. Through August 2017, Centro Legal and Wolff continued to engage in effort-intensive class discovery. We propounded and responded to written discovery, litigated multiple discovery motions, defended Plaintiffs’ depositions, deposed three of Defendants’ corporate designees, and along with Defendants took eight third-party depositions of representatives of local housing authorities. Additionally, after we successfully moved to compel production of responsive documents, Defendants produced over 360,000 pages of tenant files from Section 8 tenants, which provided crucial evidence for the depositions, class certification motion, motion to amend the complaint, and throughout the litigation. We also filed a Second Amended Complaint, after the Court granted in part and denied in part Defendants’ motion to dismiss, allowing Plaintiffs to continue with all of their claims.

1 23. I was the lead attorney in preparing for the local housing authority depositions, which
2 required careful review of dozens of versions of Section 8 administrative plans and other housing
3 authority documents. I prepared comprehensive outlines and exhibits for the depositions, and then
4 continuously revised them to address issues that arose through the testimony. Centro Legal attorneys
5 took all four of the depositions for the local housing authorities in California.

6 24. I was also the lead attorney for the review of the over 360,000 pages of Section 8 tenant
7 files. Simply working with the documents was time-intensive, as Defendants produced a single
8 massive PDF file for each of their properties. However, I was able to painstakingly review and
9 analyze the documents. This enabled me to understand and outline Defendants' policies and practices
10 through the years and across their properties, and extract the evidence we needed to litigate all aspects
11 of the case. For instance, I relied on this review to prepare the deposition outline and exhibits for
12 Wasatch corporate designee David Tanforan, which helped us to secure Tanforan's admissions as to
13 Defendants' application of their relevant policies and practices to Section 8 tenants. This was critical
14 because Defendants' other corporate officers later claimed that Defendants had an unwritten exception
15 to these problematic policies and practices for Section 8 tenants. We were able to call on Tanforan's
16 testimony to help Plaintiffs win at summary judgment, and planned to do the same at trial.

17 25. During this time, Centro Legal and Wolff also participated in a mediation with V. Blair
18 Shahbazian, through the Eastern District of California's Voluntary Dispute Resolution Program.

19 26. Centro Legal and Wolff then moved to file a Third Amended Complaint and certify the
20 two California Classes. Using the evidence we obtained through the depositions and document review,
21 we were able to expand the geographic scope of the class claims from the Sacramento-area to
22 statewide, certify the two Classes, and add Tamera Livingston as a Class Representative for the Rule
23 23(b)(2) Class.

24 27. I was actively involved in all aspects of the motions to amend and for class certification.
25 I was also the lead attorney in: researching and consulting with attorney and agency experts to develop
26 the legal theories underlying our class claims; preparing the evidence of Defendants' form documents
27 to show their common policies and practices across the California properties, and drafting relevant
28 portions of the certification motion and reply brief.

1 28. In 2018, Centro Legal and Wolff successfully opposed Defendants’ Rule 23(f) petition
2 to the Ninth Circuit for interlocutory review of the Court’s class certification order. I contributed
3 extensively to researching and drafting our opposition. We also continued to engage in discovery and
4 document review, filed a Fourth Amended Complaint, prepared for and attended status conference
5 hearings, regularly met and conferred with Defendants’ counsel, and began preparing our trial strategy.

6 29. In total, I estimate that Centro Legal devoted 180.6 hours to the class claims during this
7 period, after the exercise of billing judgment as set forth above.

8 **Class Notice, Merits Discovery, Bifurcation, Summary Judgment on Liability**

9 **(Nov. 2018 to Nov. 2022)**

10 30. From January to April 2019, I was the lead attorney in developing and executing our
11 plan to add Class Counsel Goldstein, Borgen, Dardarian & Ho (“GBDH”). I worked extensively to
12 organize and prepare the evidence and summaries of the claims, defenses, and other issues in this case,
13 to assist GBGDH in making its decision to join as counsel and to be meaningfully prepared to enter into
14 the litigation. We also communicated and met regularly with GBGDH attorneys, particularly Anne
15 Bellows and Laura Ho, to gather and provide additional information, evidence, and research needed,
16 and to discuss GBGDH’s decision to join the case and the litigation strategy moving forward.

17 31. I continued to be actively involved in and support all aspects of the class litigation
18 during this time, including: resolving disputes with Defendants to obtain the class list, drafting and
19 translating the class notice, successfully moving to clarify the class definition and approve the class
20 notice, and distributing the class notice.

21 32. I also assisted extensively in our merits and expert discovery, which included numerous
22 depositions, expert reports and rebuttals, substantial written discovery and regular meet and confer
23 calls with Defendants’ counsel, many informal discovery letters, and multiple motions to compel to
24 address delays and impasses. In particular, I continued to lead on addressing local housing authority
25 issues and incorporating Defendants’ tenant file documents throughout these discovery efforts. For
26 instance, to prepare for the depositions, I led a team of Centro Legal staff in drafting summaries of the
27 local housing authority depositions. I then personally drafted a detailed analysis of the testimony and
28 its impact. I also pulled critical evidence from the tenant files to use as exhibits in the depositions,

1 revised and drafted portions of deposition outlines, and assisted at many of the depositions so I could
2 help address issues as they arose. I also helped to decide our strategy and revise documents as we
3 resolved a discovery impasse regarding Defendants' corporate structure by negotiating stipulations to
4 bifurcate the case, allow filing of a Fifth Amended Complaint to add previously undisclosed owner
5 entities as Defendants, and amend the class certification order.

6 33. During this time, I also assisted in Class Counsel's work with Defendants and a joint
7 third-party expert to manage and review the production of responsive data from Defendants' property
8 management software, and to develop and revise ESI protocols that led to Defendants' production of
9 over 2.5 million pages of documents. I personally drafted our ESI document review plan, led a
10 training for the document review, helped lead Class Counsel's sample review of those documents, and
11 participated in and supervised Centro Legal's team in our share of the document review.

12 34. During this period, Class Counsel also interviewed dozens of Defendants' Section 8
13 tenants to gather information about Defendants' practices and identify potential trial witnesses, and
14 conducted in-depth legal research on all aspects of the class claims. I helped draft the documents
15 needed for these interviews, then led Centro Legal's team on the interviews. I also supervised the
16 Centro Legal law clerk who drafted detailed memoranda on three key legal issues for the class claims.

17 35. I was actively involved as well in all aspects of Plaintiffs' successful motion for
18 summary judgment and opposition to Defendants' cross-motion. I assisted in developing our strategy
19 and reviewed and revised all documents. I also personally researched and drafted sections and
20 prepared exhibits addressing local housing authority issues and evidence from Defendants' tenant files.
21 During this period, I was also the lead attorney in responding to opposing counsel and arguing before
22 the Court as to Plaintiffs' request for the Impact Fund to join as Class Counsel.

23 36. In total, I estimate that Centro Legal devoted 210.6 hours to the class claims during this
24 period, after the exercise of billing judgment as set forth above.

25 **Remedies Discovery, Summary Judgment on Class Damages, Initial Trial Preparation**

26 **(Dec. 2022 to Feb. 1, 2024)**

27 37. After the Court's summary judgment ruling, I assisted in all aspects of Plaintiffs'
28 remedies discovery, as Class Counsel worked to establish the damages owed and have Defendants

1 implement necessary policy changes for the Classes. As Defendants insisted that class damages
2 should be offset by costs and were uncooperative on policy changes, this required extensive formal
3 discovery, including written discovery, several motions to compel, further Rule 30(b)(6) and expert
4 depositions, and expert reports. During this period, I was the lead attorney in addressing the policy
5 changes that we believed were required by the Court's summary judgment order. I personally drafted
6 a memorandum analyzing the impact of the Court's order on Defendants' policies and practices, and a
7 plan and script for advising and investigating Defendants' policy changes with Class Members. I was
8 also actively involved in the expert reports and depositions, with a focus on portions regarding
9 Defendants' policies and practices and local housing authority issues.

10 38. During this period, I also assisted in our efforts to again mediate the case, at a
11 settlement conference in March 2023. In particular, I took lead roles in researching insurance
12 coverage issues, preparing our clients at multiple meetings, investigating public benefit and tax issues,
13 and communicating with the United States Attorneys' Office on issues relevant to the class claims.

14 39. I also assisted with our successful motions for partial summary judgment on the amount
15 of class damages and to file a Sixth Amended Complaint, to reflect Defendants' recent policy changes
16 and set a cut-off date for damages.

17 40. In total, I estimate that Centro Legal devoted 143.7 hours to the class claims during this
18 period, after the exercise of billing judgment as set forth above.

19 **Pretrial Proceedings, Trial Preparation, and Mediation**

20 **(Feb. 2, 2024 to July 27, 2024)**

21 41. With trial fast approaching, I was actively involved in all of Class Counsel's pretrial
22 work, including: drafting and attempting to meet and confer with Defendants on pretrial statements
23 and proposed fact stipulations; developing exhibit and witness lists; analyzing and designating
24 deposition testimony and discovery responses; preparing and opposing motions in limine; and
25 objecting to Defendants' exhibits and witnesses. In particular, I was the lead attorney in preparing and
26 responding to portions of lists and designations involving local housing authority witnesses and
27 evidence, and Defendants' corporate officer and witness David Tanforan. For the local housing
28 authorities, this required significant legal research and time-consuming outreach to current and former

1 agency staff and counsel. I also co-led our outreach to attorney and agency experts on various legal
2 issues relevant to the class claims.

3 42. I was one of the lead attorneys tasked with representing Class Counsel and addressing
4 the Court and opposing counsel on various items at the pretrial conference. I also drafted the reply
5 brief and argued a complex motion in limine addressing the significance of the Court's summary
6 judgment ruling, which was crucial to our case and implicated various other motions in limine as well.

7 43. During this period, I also assisted in opposing Defendants' motions for judgment on the
8 pleadings, for reconsideration of the bifurcation order, and for dismissal of the state-law claims. In
9 particular, I drafted sections of our opposition briefs that addressed the parties' actions prior to
10 bifurcation. I also researched and drafted an outline for and portions of our opposition to the motion to
11 dismiss for lack of subject matter jurisdiction.

12 44. As one of the three senior attorneys who Class Counsel collectively decided would be
13 trial counsel, I was deeply involved in all aspects of trial preparation, including preparing exhibits,
14 drafting witness examinations and cross-examinations, subpoenaing and preparing trial witnesses, and
15 planning our trial presentation to support the class requests for injunctive relief.

16 45. In particular, I was responsible for all local housing authority witnesses and key
17 corporate witness David Tanforan, who we planned to call as our first Defendant witness. Along with
18 Anne Bellows, I also worked to prepare and was available to present our remedies expert MaryAnn
19 Russ. Developing and preparing for the examinations and cross-examinations of local housing
20 authority witnesses required further time-intensive outreach to current and former agency staff and
21 counsel, careful review of updated administrative plans and related documents, drafting outreach and
22 interview scripts, and numerous phone and video meetings. I also continued to monitor HUD policy
23 and promulgations, and was the lead attorney in communicating with the United States Attorneys'
24 Office on several issues impacting our class claims.

25 46. Once we had completed our witness outreach and trial strategy, I drafted comprehensive
26 direct examinations and prepared exhibits for David Tanforan and the three local housing authority
27 witnesses who Plaintiffs intended to call. I also prepared to cross-examine any other local housing
28 authority witnesses called by Defendants.

1 47. I was also actively involved in the reinitiated settlement discussions and preparations
2 for the two-day mediation in June 2024. After the mediation, I was at times the lead attorney for
3 ongoing communications with the mediator and opposing counsel, and made substantial revisions to
4 the injunctive relief in particular as we negotiated and executed the memorandum of understanding.

5 48. In total, I estimate that Centro Legal devoted 185.8 hours to the class claims during this
6 period, after the exercise of billing judgment as set forth above.

7 **Settlement Agreement and Approval Proceedings**

8 **(July 28, 2024 to Present)**

9 49. I was the lead attorney for Class Counsel in drafting and negotiating the long-form
10 settlement agreement, to ensure that the class relief was fully secured and enforceable. As discussed
11 in detail in our preliminary approval motion, the final settlement agreement provides essentially full
12 relief to the Classes. Even with the memorandum of understanding in place, negotiating all of the
13 complex terms of the 32-page settlement required over a month of drafting and revisions, with
14 constant and time-consuming written and verbal discussions between Class Counsel and Defendants.

15 50. I have also been the lead attorney for Class Counsel in communicating with Defendants
16 to ensure that the settlement is fully implemented, including reviewing and assessing their compliance
17 with all terms of the injunctive relief, obtaining updated class lists and information for the settlement
18 notices and payments, negotiating with Defendants on relevant dates and decisions, and otherwise
19 working to ensure Defendants' compliance with the settlement payments and all other deadlines.

20 51. For Class Counsel's preliminary approval motion, I drafted the detailed pre-2019
21 procedural history for the motion after carefully reviewing the written correspondence and documents
22 from that time period. I also drafted my declaration in support of the motion, which required a careful
23 review of Centro Legal's time records and costs over more than a decade of litigation. Since the court
24 granted preliminary approval, I have personally reviewed and responded to Class Member inquiries.

25 52. For the present motions for final approval and reasonable fees, costs, and expenses, I
26 have reviewed and revised all of our documents, and drafted this declaration in support. This required
27 my continued careful review of the decade of Centro Legal time records in this case, to exercise
28 reasonable billing judgment as discussed above.

1 53. In total, I estimate that Centro Legal devoted 97.9 hours to the class claims during this
2 period, after the exercise of billing judgment as set forth above.

3 54. As detailed in the declaration of Anne Bellows, I anticipate that we will devote
4 substantial additional time to this litigation before the case is complete, including continuing to work
5 with the settlement administrator, respond to Class Member inquiries, and ensure that the settlement
6 funds are timely and correctly disbursed.

7 **MULTIPLIER FACTORS**

8 55. When Centro Legal joined Wolff in this litigation in 2014, it was clear to us that this
9 was a uniquely complex and risky case. Our own research and consultations with attorney and agency
10 experts confirmed that there was little precedent or analysis of illegal “side payments” and policies like
11 those at issue here, and no other case had challenged them on a class-wide basis. We determined that
12 the litigation would likely turn on the details of Defendants’ practices, and this Court’s rulings on
13 contested legal issues. Accordingly, we knew that this litigation was extremely risky, with the very
14 significant possibility that we would spend thousands of hours and hundreds of thousands of dollars to
15 litigate the class claims but recover nothing. Nonetheless, Centro Legal and our co-counsel devoted
16 more than a decade of our time and resources to this case, on a wholly contingent basis.

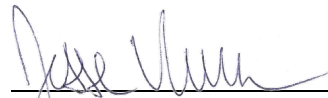
17 56. As the case continued, the complexity and difficulty of the class claims became only
18 more apparent. The U.S. Department of Housing and Urban Development declined to provide any
19 guidance on the contested legal issues, and several local housing authority representatives testified that
20 they did not object to Defendants’ policies or practices. Given these developments, Defendants
21 repeatedly requested that we dismiss the case. While we strongly disagreed with Defendants’ position,
22 we recognized the very significant risk that the Court would rule for Defendants as a matter of law and
23 that we would lose entirely on the class claims.

24 57. At Centro Legal, I am the only staff person with regular capacity to litigate our class
25 action cases and other impact litigation. Centro Legal staff primarily provide direct legal services to
26 individual tenant, worker, and immigrant clients, so are not generally available to assist me. Litigating
27 this case therefore substantially precluded me and Centro Legal from taking on other affirmative cases
28 over the past decade. As a nonprofit organization, Centro Legal depends on attorneys’ fees from cases

1 like this one to continue providing free legal services to our clients, particularly since many of our
2 impact cases and the vast majority of our direct legal services do not result in any attorneys' fees at all.
3 All fees and costs awarded to Centro Legal will be used to fund our ongoing work for low-income
4 clients and communities who would not otherwise have access to legal representation.

5 58. We litigated this case for the past ten years, with no guarantee of any recovery, because
6 of its importance and the benefits we believed it could bring to the thousands of Section 8 tenants who
7 had faced or continued to face excess rent charges beyond what the government determined they could
8 afford, and the potential threat of losing their homes if they were unable to pay those charges. Instead,
9 those tenants will now have a choice to reject any additional charges for services they do not want, and
10 will not face eviction threats or the risk of homelessness if they cannot afford to pay such charges. I
11 also believe that the successful outcome of this litigation is likely to lead other property owners to
12 modify their practices, and therefore may benefit many other Section 8 tenants nationwide.

13 I declare under penalty of perjury under the laws of the State of California and of the United
14 States that the foregoing is true and correct, and that this Declaration was executed on December 20,
15 2024, in Oakland, California.

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19 Jesse Newmark
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