

1 Richard K. Bridgford, Esq., SBN: 119554
2 Michael H. Artinian, Esq., SBN: 203443
3 **BRIDGFORD, GLEASON & ARTINIAN**
4 26 Corporate Plaza, Suite 250
5 Newport Beach, CA 92660
6 Telephone: (949) 831-6611
7 Facsimile: (949) 831-6622

8 Richard L. Kellner, Esq., SBN: 171416
9 **KABATECK LLP**
10 633 West Fifth Street, Suite 3200
11 Los Angeles, CA 90017
12 Telephone: (213) 217-5000
13 Facsimile: (213) 217-5010

14 John Patrick McNicholas, IV, Esq., SBN: 125868
15 **McNICHOLAS & McNICHOLAS, LLP**
16 10866 Wilshire Blvd., Suite 1400
17 Los Angeles, CA 90024
18 Telephone: (310) 474-1582
19 Facsimile: (310) 475-7871

20 Attorneys for Plaintiffs ENRIQUE DEL RIVERO, ANA
21 DEL RIVERO, GREG ESTES, and CHERIE ESTES,
22 on behalf of themselves and all others similarly situated

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

25 ENRIQUE DEL RIVERO, an individual;
26 ANA DEL RIVERO, an individual; GREG
27 ESTES, an individual; CHERIE ESTES, an
28 individual; on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

CENTEX HOMES OF CALIFORNIA,
LLC., a Limited Liability Company;
CENTEX HOMES REALTY COMPANY,
a Corporation; PULTE HOME
CORPORATION, a Corporation;
MUELLER INDUSTRIES, INC., a
Corporation; and DOES 1-100,

Defendants.

AND RELATED CROSS-CLAIMS.

CASE NO. 30-2013-00649338-CU-CD-CXC
Assigned for all purposes to:
Judge Peter Wilson
Dept. CX-101

**DECLARATION OF GREG ESTES 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: 05/09/2013

1 I, GREG ESTES, 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
8 2. I am represented by my counsel Bridgford, Gleason & Artinian, Kabateck LLP
9 and McNicholas & McNicholas LLP.

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

12 4. I am a class member in this class action and have been asked to serve as one of
13 the class representatives in this action. My wife and I are owners of 8 St. Steven Court, Ladera
14 Ranch, CA 92694 – a home included within this class action.

15 5. I have been kept apprised of this case through Plaintiff's counsel since I became
16 involved in this action in 2013, when I retained plaintiffs' counsel.

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

23 7. I have actively worked with my attorneys to assist them in litigating this case,
24 and in the settlement discussions. I have also engaged in several discussions with my counsel
25 regarding the details and status of the lawsuit and settlement. My counsel has routinely
26 informed me of the status of the case and has attended to my questions and concerns about the
27 litigation on my behalf and all similarly situated. I will continue to remain engaged in this
28

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
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed on 1/31/2023 at Ladera Ranch, California.

DocuSigned by:
Greg Estes
7874D01AD9DC453...

GREG ESTES

PROOF OF SERVICE
Del Rivero v. Centex Homes, et al.

Orange County Superior Court Case No.: 30-2013-00649338

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 GREG ESTES 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.

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**Del Rivero v. Centex Homes, et al.****Orange County Superior Court Case No.: 30-2013-00649338**

1 2 3 4 5 6 7 8	Joseph A. Ferrentino, Esq. Jeffrey R. Brower, Esq. NEWMEYER & DILLION, LLP 895 Dove Street, 2 nd Floor Newport Beach, CA 92660	Counsel for Defendants/Cross-Complainants CENTEX HOMES OF CALIFORNIA, LLC and PULTE HOME CORPORATION Telephone: (949) 854-7000 Facsimile: (940) 854-7099 Joe.ferrentino@ndlf.com Jeffrey.brower@ndlf.com Sue.peterson@ndlf.com Jennifer.sebring@ndlf.com
9 10 11 12	Anna S. McLean, Esq. SHEPPARD MULLIN RICHTER & HAMPTON LLP 4 Embarcadero Center, 17 th Floor San Francisco, CA 94111-4109	Co-Counsel for Defendants/Cross-Complainant PULTE HOME CORP. Telephone: (415) 434-9100 Facsimile: (415) 434-3947 amclean@sheppardmullin.com
13 14 15	Tracey A. Kennedy, Esq. SHEPPARD MULLIN RICHTER & HAMPTON LLP 333 S. Hope Street, 43 rd Floor Los Angeles, CA 90071-1422	Co-Counsel for Defendant/Cross-Complainant PULTE HOME CORP. Telephone: (213) 620-1780 Facsimile: (213) 620-1398 tkennedy@sheppardmullin.com
16 17 18	Brian S. Kabateck, Esq. Richard L. Kellner, Esq. KABATECK LLP 633 West Fifth Street, Suite 3200 Los Angeles, CA 90017	Co-Counsel for Plaintiffs Telephone: (213) 217-5000 Facsimile: (213) 217-5010 bsk@kbklawyers.com rlk@kbklawyers.com
19 20 21	John Patrick McNicholas, IV, Esq. McNICHOLAS & McNICHOLAS, LLP 10866 Wilshire Blvd., Suite 1400 Los Angeles, CA 90024	Co-Counsel for Plaintiffs Telephone: (310) 474-1582 Facsimile: (310) 475-7871 pmc@mcnicholaslaw.com
22 23 24 25 26 27 28	Nina Klawunder, Esq. GRANT & ASSOCIATES <u>Mailing Address:</u> 7455 Arroyo Crossing Parkway, Suite 220 Las Vegas, NV 89113 <u>Physical Address:</u> 17901 Von Karman, Suite 600 Irvine, CA 92614	Co-Counsel for Cross-Defendant ORANGE PACIFIC PLUMBING, INC. Telephone: (714) 824-0359 Fax: (855) 429-3413 Nina.klawunder@aig.com

1		
2	William D. Morrow, Esq. Keith A. Haskins, Esq. MORROW & WHITE 1600 Dove Street, Suite 315 Newport Beach, CA 92660-2487	Co-Counsel for Cross-Defendant ORANGE PACIFIC PLUMBING, INC. Telephone: (714) 979-7999 Fax: (714) 979-7779 bmorrow@morrow-white.com khaskins@morrow-white.com
3		
4		
5	James E. Hoffmann, Esq. Robert S. Levin, Esq. Karina Mejia, Esq. LEVIN & HOFFMANN, LLP 23622 Calabasas Road, Suite 253 Calabasas, CA 91302	Counsel for Cross-Defendant CERRO FLOW PRODUCTS, LLP Telephone: (818) 990-2370 Fax: (818) 876-8526 jhoffmann@levinhoffmann.com rlevin@levinhoffmann.com kmejia@levinhoffmann.com
6		
7		
8		
9	Adrienne D. Cohen, Esq. Temre L. Fischer, Esq. LAW OFFICES OF ADRIENNE D. COHEN 18300 Von Karman Ave., Suite 410 Irvine, CA 92612	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
10		
11		
12		
13		
14	Charles L. Harris, Esq. Alexander Stepanek, Esq. LEWIS BRISBOIS BISGAARD & SMITH, LLP 650 Town Center Drive, Suite 1400 Costa Mesa, CA 92626	Counsel for Cross-Defendant CAMBRIDGE-LEE INDUSTRIES LLC Telephone: (714) 545-9200 Fax: (714) 850-1030 Charles.harris@lewisbrisbois.com Alexander.stepanek@lewisbrisbois.com chloe.clark@lewisbrisbois.com Diana.gilkey@lewisbrisbois.com
15		
16		
17		
18	Rick L. Shackelford, Esq. Adam Siegler, Esq. GREENBERG TRAUIG, LLP 1840 Century Park East, Suite 1900 Los Angeles, CA 90067-2121	Counsel for Cross-Defendant NACOBRE USA, LLC Telephone: (310) 586-7700 shackelfordr@gtlaw.com sieglera@gtlaw.com
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		