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12 *Attorneys for Plaintiffs Lynn Slovin,*  
 13 *Samuel Katz, Jeffery Price, and*  
 14 *Justin Birkhofer, on their own*  
 15 *behalf, and on behalf of all others*  
 16 *similarly situated*

16 **IN THE UNITED STATES DISTRICT COURT**  
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 LYNN SLOVIN, an individual, on her own  
 19 behalf and on behalf of all others similarly  
 20 situated,

21 Plaintiff,

22 v.

23 SUNRUN, INC., a California corporation,  
 24 CLEAN ENERGY EXPERTS, LLC, a  
 25 California limited liability company doing  
 26 business as SOLAR AMERICA, and  
 27 DOES 1-5, inclusive,

28 Defendants.

**Case No. 4:15-cv-05340-YGR**

**DECLARATION OF SAMUEL KATZ**

Hon. Jacqueline Scott Corley

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**DECLARATION OF SAMUEL KATZ**

I, Samuel Katz, state and declare as follows:

1. I am over the age of 18 years. I am a named plaintiff in this lawsuit. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could and would testify competently to the truth of the facts as stated herein, except where stated otherwise.

2. I am married and have three young children and a full-time job.

3. Beginning in the summer of 2015, I started receiving numerous calls attempting to sell me solar panels. Despite being on the National Do Not Call (“DNC”) list and repeatedly asking for the calls to stop, they continued off and on through February 2016. At that point, I reached out to my counsel and asked to join the lawsuit. The calls even continued after I joined the lawsuit as a named plaintiff and twice I was called and transferred to Defendants, once in April 2016 and again in March 2017.

4. I contacted Defendants prior to joining the lawsuit and complained about receiving illegal telemarketing calls. Both times I received what I believe to be the run-around and “legal speak.” Defendants wouldn’t even acknowledge that they had a record of me in their system. It was then that I recognized that the only way to stop this behavior was to join the class action.

5. I also began to take notes of the calls. Later in the litigation, I recorded calls in compliance with both federal and state law by announcing that I was recording the call. On these calls, callers would identify themselves using a variety of names. The caller Id’s generally were non-working numbers that didn’t lead to anywhere and were disconnected when I tried to call them back.

6. I spent many hours with my attorneys reconstructing names used by the callers to identify themselves on the calls. This allowed my lawyers to identify relevant call records and third parties and help focus their discovery on particular call centers who were harassing consumers. The initial caller (i.e. lead generator) would mostly (if not always) use a fictitious name that was hard to trace (i.e., Solar Solutions, American Solar Solutions).

1           7.       Because I took notes, I was able to identify calls where I was transferred to Solar  
2 America during this litigation. I also began recording calls which allowed me to capture a call in  
3 which I was transferred to Sunrun during this litigation. More importantly, for one call made to  
4 me during this lawsuit, Defendants initially claimed that I had called their affiliate call center.  
5 Because I had recorded the entire call, I could quickly disprove that notion. Had I not begun to  
6 collect evidence of these calls I would have had a very difficult time proving the truth, as it is my  
7 experience that telecommunication company landline bills don't generally maintain records of  
8 incoming calls.

9           8.       I spent many hours responding to 133 document requests, collecting voluminous  
10 documents, responding to interrogatories, and responding to requests for admissions. Given my  
11 family and work life, finding these hours, as well as the others I put into assisting with this  
12 litigation, was not easy, but I found the time.

13           9.       I allowed Defendants to obtain call records for years of my phone calls.

14           10.      I traveled to New Jersey from my then home in Massachusetts to have my  
15 deposition taken. My deposition lasted over 8 hours. As I have a full-time job, I had to take time  
16 off of work to have my deposition taken.

17           11.      At the time the parties reached an agreement in principle, I was working with my  
18 attorneys to schedule a second deposition.

19           12.      I continuously communicated with my attorneys throughout the case, asking for  
20 updates and following each happening in the case closely.

21           13.      This case was stressful for me as I believed that Defendants were attempting to  
22 paint me as a professional plaintiff who was only interested in personal gain.

23           14.      Despite the demanding time commitment in this case, I turned down a large offer  
24 of \$100,000.00 dollars to settle the case individually. Although, this is a large sum which would  
25 have significantly positively impacted my family's life, I turned down this offer and was willing  
26 to take on the risk that we might not be successful in the litigation and that due to the rejected  
27 offer, Defendants could try to make me and other plaintiffs cover their litigation costs.

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1 15. I believed that individual offers without any agreement from Defendants to  
2 change their telemarketing practices would not prevent future violations of the TCPA.

3 16. I was and remain committed to do my part in helping prevent illegal  
4 telemarketing calls to consumers nationwide. I took on a role as a class representative and I  
5 continue to take that responsibility seriously.

6 17. Because I continued to be called while on the DNC and even after joining the  
7 lawsuit, it was important to me that Defendants put in place procedures that prevent their  
8 equipment from calling people on their DNC list and that they merge their DNC lists together. It  
9 was and is important to me that the names that are used on calls can be easily found and  
10 identified by consumers. When a company identifies themselves with an unregistered business  
11 name, consumers generally have no recourse. It took many hours for my attorneys and myself to  
12 work through the maze of caller Id's and fictitious names used on the calls to me to identify and  
13 subpoena all the relevant call records from Defendants and their third party telemarketers.

14 18. I think that the injunctive relief together with the fund established for the class  
15 will help prevent the scourge of solar telemarketing calls. I respectfully request that the Court  
16 award me a service award that it deems fair.

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

19 Dated on 4/4/2019, at Dover Foxcroft, Maine.

20 DocuSigned by:  
*Samuel Katz*  
21 AA73C790F8F8446...  
22 SAMUEL KATZ