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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 JUSTIN
 BIRKHOFFER**

Hon. Yvonne Gonzalez Rogers

1 I, Justin Birkhofer, state and declare as follows:

2 1. I am over the age of 18 years. I am a named plaintiff in the lawsuit entitled *Slovin*
3 *v. Sunrun, Inc., et al*, Case No. 4:15-cv-05340-YGR. I have personal knowledge of the facts
4 stated in this declaration, and if called as a witness, could and would testify competently to the
5 truth of the facts as stated herein.

6 2. I received numerous solar related calls for several months between at least
7 February 2016 and April 2016. I found the calls annoying and disruptive. Routinely, I would
8 receive nearly identical calls and when I asked who was calling me, there would be an almost
9 immediate disconnect/hang-up. Then on April 26, 2016, in order to find out who was calling me,
10 I stayed on the line during one of these calls and was transferred to Sunrun. After hanging up,
11 within a couple of minutes I received another call from Sunrun attempting to sell me solar
12 panels. I pointed out that I was on the Do Not Call list and had been receiving these calls for
13 months. The Sunrun agent claimed no responsibility and claimed that they weren't the ones who
14 "cold called me" (those were the words that the Sunrun representative used to describe the calls
15 to me).

16 3. Although I had never previously participated as a named plaintiff in a class action,
17 or filed a lawsuit for violation of the Telephone Consumer Protection Act, Sunrun's conduct was
18 so disruptive and annoying that I felt compelled to get involved. After receiving the call back
19 from Sunrun, I conducted online research to see if there were others complaining about similar
20 calls. That's when I discovered that there was a pending lawsuit. I reached out to the plaintiff
21 counsel in this lawsuit and ultimately retained them – Parisi & Havens LLP and Parasm
22 Lieberman Law – to represent me.

23 4. I wanted to be a class representative because I believe that no one should have to
24 deal with harassing calls. What made the calls that I received most infuriating was that they
25 made it so hard for me to determine who was actually calling me. I wanted to participate in this
26 lawsuit so I could make a difference and I felt that this lawsuit was a way to prevent future
27 TCPA violations and to have the defendants rein in their telemarketing practices when they make
28 calls or hire someone else to do it for them.

1 5. Throughout the course of this litigation, I communicated continually with my
2 attorneys. I provided my call records to defendants and even allowed them to subpoena my
3 personal cell phone records. While this felt intrusive on my privacy, I felt it was important to
4 help my counsel in the lawsuit. I worked with my lawyers to respond to one hundred eighteen
5 requests for documents, as well as many interrogatories and requests for admissions. The work
6 was tedious and time consuming, but I felt, and believe now, that the time and work I put in was
7 worth the result we have achieved.

8 6. I consistently reached out to my attorneys for updates and even met with Grace
9 Parasmio and Yitzchak Lieberman when I was in California, to review discovery I needed to
10 respond to and to get an update on what discovery had turned up. I generally requested case
11 updates weekly throughout the course of the case.

12 7. In 2017, I took three days off of work (March 1st through March 3rd) to travel
13 from my home in South Carolina to Washington, D.C. to meet with my lawyers and have my
14 deposition taken by the defendants. My deposition started at about 9:30 a.m. in the morning and
15 lasted until after 4:00 p.m. that day. During my deposition the defendants attempted to portray
16 me as a “liar” for answers I gave over the phone regarding my electric bill and not feeling
17 comfortable to give telemarketers my real name and street address.

18 8. To me, one of the most important goals of this case was stopping the practice of
19 calling consumers like me and making it so hard to find who is the calling party. Nearly all of
20 the calls to me did not provide real company names, did not have working call back numbers,
21 and were made by callers who refused to provide the real name of the company that they were
22 working for. I found this to be very deceitful and unfair. On top of this, they were calling a
23 number, my number, which was on the National Do Not Call list. Therefore, unless and until a
24 consumer can identify the responsible party or the calling party, there is no way to get these calls
25 to stop.

26 9. I understand that the settlement in this lawsuit requires Sunrun to oversee Clean
27 Energy Experts’ lead generation activities. I am pleased that my counsel were able to negotiate
28 as a term of the settlement that defendants’ contracts with their telemarketers must now contain a

1 requirement that the names used during telemarketing call be actual registered company names.
2 Hopefully, this will help prevent a bombardment of calls from companies who believe they
3 cannot be held accountable because they cannot be identified.

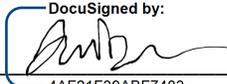
4 10. During this lawsuit, along with the other named plaintiffs, the defendants directly
5 offered me \$100,000 dollars “to shut-up and go away” during litigation. Although, I had never
6 been involved in prior litigation, I understood my duties as a named plaintiff attempting to get a
7 class certified. Before I made my decision to turn down the offer, I made myself aware of the
8 risks involved in rejecting what I understand is called a “Rule 68 Offer of Judgement.”
9 Specifically, apart from what I learned from my lawyers, I did my own research and understood
10 this is a cost-shifting tool to encourage expeditious settlements by penalizing plaintiffs who
11 refuse to accept reasonable settlement offers by making plaintiffs responsible for all defense
12 costs incurred after the date the offer was made, effectively voiding the American Rule. I also
13 understood that for the defendants’ offer to be considered ineffective, the burden would be on
14 myself and the other plaintiffs to prevail in the lawsuit and be awarded a larger judgment or
15 settlement. Despite all of this, I weighed my options and rejected the offer because it was in
16 direct conflict with my duties as a class representative in that accepting this offer would
17 ultimately make me a sell-out! Moreover, I wanted to obtain not only meaningful monetary
18 relief for the certified class members, but I also wanted the defendants to change their practices,
19 to prevent such further re-occurrence from the Nation’s largest residential solar company.

20 11. Based on my significant time and efforts on behalf of the class in this case and the
21 significant risks that I undertook, the significant time and inconvenience that I incurred as a
22 representative plaintiff, as well what I believe to be an excellent result, I respectfully request that
23 the Court award me a service award that is fair.

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

4/4/2019

26 Dated on _____, at West Columbia, South Carolina

27 DocuSigned by:

28 4AF21F39ABF7483...
Justin Birkhofer