

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

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

23 KAMAL ALI, an individual; and ZAINAB
24 ALI, an individual; JOHN TORPHY, an
25 individual, and ELIZABETH TORPHY, an
26 individual (as Trustees of the JOHN C.
27 TORPHY AND ELIZABETH M. TORPHY
28 TRUST DATED 5/5/2004); on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

WARMINGTON RESIDENTIAL
CALIFORNIA, INC., a Corporation;
REBCO COMMUNITIES, INC. f/k/a
WARMINGTON HOMES CALIFORNIA,
INC., a Corporation; PLUMBING
CONCEPTS, INC., a Corporation;
MUELLER INDUSTRIES, INC., a
Corporation; and DOES 1-100,

Defendants.

AND RELATED CROSS-ACTION.

CASE NO. 30-2013-00689593-CU-CD-CXC
Assigned for all purposes to:
Judge Peter Wilson
Dept. CX-101

**DECLARATION OF JOHN TORPHY
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: 11/21/13

1 I, JOHN TORPHY, declare as follows:

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

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

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

11 4. I am a class member in this class action and have been asked to serve as one of the
12 class representatives in this action. My wife Elizabeth Torphy and I are owners of 7 Anapamu,
13 Ladera Ranch, CA 92694 – 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 early 2016, when my wife and 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 ahead of
19 the Class Members' interests as a whole and that my interests cannot be antagonistic to those of the
20 Class. My interests align with those of the Class, because the Class and I share the mutual interest of
21 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, and in
23 the settlement discussions. I have also engaged in several discussions with my counsel regarding the
24 details and status of the lawsuit and settlement. My counsel has routinely informed me of the status
25 of the case and has attended to my questions and concerns about the litigation on my behalf and all
26 similarly situated. I will continue to remain engaged in this lawsuit through the duration of the
27 litigation and diligently discharge my duties as class representative.
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8. My counsel has explained to me the terms of the proposed Settlement and answered all questions that I had about its terms. I was fully advised as to the provisions of the proposed Settlement and have reviewed the entire agreement before executing it. I fully support the terms reached within the Settlement and find it to be fair and reasonable when taking into account all aspects of this litigation and the risks as have been explained to me by my counsel.

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 11/29/2022 at Ladera Ranch, California.

DocuSigned by:
John Torphy
7DA3A4CCDA00438...

JOHN TORPHY

1 **PROOF OF SERVICE**

2 **Ali v. Warmington Residential California, Inc., et al.**
3 **Orange County Superior Court Case No.: 30-2013-00689593**

4 I, the undersigned, declare that:

5 I am over the age of 18 years and not a party to the within action. I am employed in the
6 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.

7 On the date set forth below, I served the following document(s): **DECLARATION OF JOHN**
8 **TORPHY IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF**
9 **CLASS ACTION SETTLEMENT** on the interested party(s):

10 **SEE ATTACHED SERVICE LIST**

11 by the following means:

- 12 () **BY MAIL:** By placing a true copy thereof, enclosed in a sealed envelope with postage
13 thereon fully prepaid. I am readily familiar with the business practice for
14 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.
- 15 () **BY PERSONAL SERVICE:** By placing a true copy thereof, enclosed in a sealed
16 envelope, I caused such envelope to be delivered by hand to the recipients herein
17 shown (as set forth on the service list).
- 18 () **BY OVERNIGHT DELIVERY:** I served the foregoing document by Overnight
19 Delivery as follows: I placed true copies of the foregoing document in sealed
20 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
21 delivery paid or provided for.
- 22 (X) **BY ELECTRONIC MAIL (EMAIL):** I caused a true copy thereof sent via email to
23 the address(s) shown herein.

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

26 Dated: November 29, 2022

/s/Debbie Knipe

Debbie Knipe

SERVICE LIST

Ali v. Warmington Residential California, Inc., et al.
Orange County Superior Court Case No.: 30-2013-00689593

Christian P. Lucia, Esq. Britney Karim, Esq. Corey M. Timpson, Esq. SELLAR HAZARD & LUCIA 201 N. Civic Drive, Suite 145 Walnut Creek, CA 94596	Counsel for Defendant/Cross-Complainant REBCO COMMUNITIES, INC. fka WARMINGTON HOMES CALIFORNIA, INC. and WARMINGTON RESIDENTIAL CALIFORNIA, INC. Telephone: (925) 938-1430 Fax: (925) 256-7508 clucia@sellerlaw.com bkarim@sellerlaw.com ctimpson@sellerlaw.com ejackson@sellerlaw.com
Nina D. Klawunder, Esq. GRANT & ASSOCIATES <u>Mailing Address:</u> 7455 Arroyo Crossing Pkwy., Suite 220 Las Vegas, NV 89113 <u>Physical Address:</u> 17901 Von Karman, Suite 600 Irvine, CA 92614	Counsel for Cross-Defendant ROBBINS PLUMBING AND HEATING CONTRACTORS Telephone: (714) 436-3293 Facsimile: (855) 429-3413 Nina.klawunder@aig.com
Dan Pezold, Esq. MURCHISON & CUMMING LLP 801 S Grand Ave, 9th floor Los Angeles, CA 90017	Co-Counsel for Cross-Defendant ROBBINS PLUMBING AND HEATING CONTRACTORS Telephone: (213) 630-1091 Facsimile: (213) 623-6336 dpezold@murchisonlaw.com
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@kellnerlaw.com
John Patrick McNicholas, IV, Esq. Michael J. Kent, 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 mjk@mcnicholaslaw.com