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2 Michael H. Artinian, Esq., SBN: 203443
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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 TODD PERRY (Individually and as Trustee of PERRY LIVING
21 TRUST), and ELIZABETH PERRY (Individually and as Trustee of PERRY LIVING TRUST)
22 on behalf of themselves and all others similarly situated

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

25 GLENN LINDGREN, an individual,
26 CALVIN DUONG, an individual; ROBERT
27 TRUJILLO, an individual; KELLY
28 TRUJILLO, an individual; SANDRA
SMITH, an individual; DAN O'HARA, an
individual; EDEN O'HARA, an individual;
TODD PERRY, Individually and as Trustee
of the PERRY LIVING TRUST, and
ELIZABETH PERRY, Individually and as
Trustee of the PERRY LIVING TRUST; on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

SHEA HOMES, INC., a Corporation;
PLUMBING CONCEPTS, INC., a
Corporation; MUELLER INDUSTRIES,
INC., a Corporation; and DOES 1-100,

Defendants.

AND RELATED CROSS-CLAIM.

CASE NO. 30-2013-00649466-CU-CD-CXC
Assigned for all purposes to:
Judge Peter Wilson
Dept. CX-101

**DECLARATION OF PATRICK
MCNICHOLAS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: June 29, 2023
Time: 2:00 p.m.
Dept.: CX-101

Complaint Filed: 05/09/2013

1 Plaintiffs have conducted class certification related discovery, including taking the depositions of
2 corporate representatives from Defendants and SMWD, propounding and/or responding to
3 document requests, special interrogatories and requests for admission, and reviewing all of the
4 documents produced in this action. My firm has been involved in all of the foregoing.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed this 29th day of March 2023, at Los Angeles, California.

7
8 /s/ Patrick McNicholas
9 Patrick McNicholas, Esq.
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EXHIBIT 1

PATRICK McNICHOLAS

Curriculum Vitae

Since being admitted to the Bar in 1986, Mr. McNicholas has specialized in handling civil trial matters. Mr. McNicholas has tried in excess of 70 jury trials. Areas of emphasis include personal injury and wrongful death with a particular focus on products liability, civil rights, wrongful termination, general negligence, class actions and mass actions.

PRESENT POSITION

PARTNER

McNICHOLAS & McNICHOLAS LLP

10866 Wilshire Boulevard, Suite 1400
Los Angeles, California 90024-4338
(310) 474-1582

REPRESENTATIVE CASES

Wrongful Death

Do Right's Plant Growers vs. RSM Equico, Inc. et al.

44,000,000 – settlement for consumer fraud class action stemming from breach of contract.

Doe Family vs. Doe Railroad Company- (confidential settlement)

\$5,000,000 - settlement on behalf of family for death of father while riding as a passenger on train; co-lead with Bridgford, Gleason & Artinian.

Pasillas vs. LAMTA

\$6,000,000 - settlement on behalf of family with two children for death of father while working in MTA tunnel. Public entity case. Public entity liability.

Air Crash Victims

\$44,000,000 - co-lead; 5 deaths, one survivor

3 College Students Stabbed

\$7,000,000 – three UCSB students stabbed and killed by roommate; represented six parents

Emotional Distress

William S. vs. Bonita Unified

\$10,000,000 - verdict for emotional distress from sexual harassment

Current Mass Tort/Class Actions

Orange County Defective Copper Pipes Litigation. Bridgford, Gleason & Artinian and McNicholas & McNicholas, LLP, filed 18 class actions for damages for defective pipes in thousands of homes. The class actions have settled in excess of \$ 6,000,000. Fifteen class actions are pending.

Porter Ranch Litigation on behalf of residents to recover damages for a gas well blow out.

Francis Bechtel vs. California Department of Water and Power
Class action filed by McNicholas & McNicholas, LLP and The Franz Law Group to recover evacuation damages for 186,000 residents for failure of the Oroville Dam Spillway.

Bowman vs. Pacific Gas & Electric

Mass action case for Northern California fires filed by The Frantz Law Group, Bridgford, Gleason & Artinian and McNicholas & McNicholas. Patrick McNicholas is on the Plaintiff's Steering Committee. Represent 4,300 victims.

Southern California Edison Wildfire Litigation- Represent 1,200 victims for claims arising out of the Thomas Fire and Woolsey Fire.

MGM Grand/Las Vegas Mass Shooting- \$35,000,000 settlement for victims, 2021.

Jury Verdicts

Damianakes vs. City of Los Angeles

Gender Discrimination

Jury Verdict - \$2.3M

Francis v. City of Los Angeles

Race Discrimination

Jury Verdict - \$5.4M

Nagatoshi v. City of Los Angeles
Race Discrimination
Jury Verdict \$3.6M

Higgins v. Toshiba
Age Discrimination
Jury Verdict - \$2.4M

Moran vs. Shan
Sexual Harassment
Jury Verdict/Judgment - \$2.2M
Wirta v. Oliver & Williams
Products Liability
Jury Verdict - \$5.6M

Daniel Gray vs. Air Products & Chemicals, Inc., The Saxon Group, Inc.
Products Liability
Jury Verdict - \$10.2M

Skelton vs. Bonita Unified
Sexual Abuse
Jury Verdict - \$10.2M

Arbitration

John Taibi vs. Camelot Residential Care Facility
Binding Arbitraion ,Wrongful Death - \$1M.

Class Actions

Epson Ink Print Auto Shut Off
Settlement valued at \$300M

Callaways vs. Mercedes Benz
Auto Defect Settlement Valued - \$85M

**EDUCATIONAL
BACKGROUND**

Loyola High School, Los Angeles 1979
B.S. - University of San Francisco, 1983
J.D. - McGeorge School of Law, University of the Pacific, 1986

COURTS TO

California Supreme Court and all intermediate and

WHICH ADMITTED

trial courts in California; United States District Court, Central and Eastern Districts of California

PROFESSIONAL ASSOCIATIONS

American College of Trial Lawyers, Southern California; Membership Committee (2014 – 2017)
American Board of Trial Advocates (1998 – Present)
American College of Trial Lawyers (2008 – Present)
Los Angeles County Bar Association, Trustee (2004 – 2006)
Consumer Attorneys of California, Lifetime
Consumer Attorneys of Los Angeles, Lifetime
American Association of Justice, Lifetime

TEACHING

1992 - 1993; Adjunct Professor, Whittier College School of Law, Los Angeles, Course of Trial Advocacy.

ARTICLES

“Cross-Examination of the Defense Expert”
(1997 CAALA Las Vegas Convention);

“Preparing the Employment Case for Trial”
Forum (1998), Vol. 28, No. 9;

“The Danger Creation Doctrine and Section 1983:
Governmental Liability for Third Party Torts”
Forum (1999), Vol. 29, No. 5

“The Essentials of Representing The Injured Seaman”
Forum (2001), Vol. 31, No. 2

“Motions *in Limine*: Controlling and Previewing the Evidence”
Forum (2003), Vol. 33, No. 5

“Effective Use of Your Expert Witnesses”
Forum (2004), Vol. 34, No. 7

“Cutting Edge Presentation Technology In “The Information Age”

“California Court of Appeal Confirms Application of Civil Rights

Legislation to Workplace Discrimination Claims”
Forum (2006), Vol. 36, No. 8

SERVICE

Judge Pro Tem., Los Angeles Superior Court
Settlement Officer, Los Angeles Superior Court (1995 – 2008)
Board of Trustees, University of San Francisco (2006 – 2012)
Founder, Board of Directors, Urban Compass (2004 – present)
Civil Justice Research Institute, Berkley Law, UCI School of Law
(2015 – present)
Trustee, Los Angeles County Bar Association (2006-2008)

ADDITIONAL

Participant:

ABOTA Masters in Trial, 1993 Beverly Hills and West Virginia
1995, Newport Beach 2004, Los Angeles 2012

Speaker:

Los Angeles Trial Lawyers Association - 1994
CAOC 34th Annual Convention (San Francisco) - 1995
CAOC 35th Annual Convention (San Francisco) - 1996
CAALA Annual Convention (Las Vegas) - 1997
CAOC 33rd Annual Lake Tahoe Seminar - 1998
CAOC 37th Annual Convention (San Francisco) – 1998
CAALA Annual Convention (Las Vegas) – 2001
CAOC 42nd Annual Convention (Monterey) - 2003
CAALA Annual Convention (Las Vegas) - 2004
CEB Civil Litigation Before Trial (Los Angeles) – 2006
ABOTA Masters of Opening Statements and Final Arguments
(Los Angeles) – 2012
CAOC Annual Convention, San Francisco; Products Liability Trial
- 2017

Recognitions:

Super Lawyers by Los Angeles Magazine 2005
Super Lawyers by Los Angeles Magazine 2006
Super Lawyers by Los Angeles Magazine 2007
Super Lawyers by Los Angeles Magazine 2008
Super Lawyers by Los Angeles Magazine 2010
Super Lawyers by Los Angeles Magazine 2012
Top 100 Southern California Lawyers by Super Lawyers 2005
Top 100 Southern California Lawyers by Super Lawyers 2006
Top 100 Southern California Lawyers by Super Lawyers 2007
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Top 100 Southern California Lawyers by Super Lawyers 2017
Top 100 Southern California Lawyers by Super Lawyers 2018
Best Trial Lawyers
Best Lawyers, Best Law Firms; US News and World Report
The National Trial Lawyers
Top 100 Trial Lawyers
Daily Journal Top Plaintiff Lawyers, California, 2020
Daily Journal Top Verdicts, Appellate Reversal, 2019

SERVICE LIST

Lindgren v. Shea Homes, Inc., et al.

Orange County Superior Court Case No.: 30-2013-006494606

1 2 3 4 5 6 7	Julia L. Bergstrom, Esq. Fort A. Zackary, Jr., Esq. KOELLER, NEBEKER, CARLSON & HALUCK 225 Broadway, 21 st Floor San Diego, CA 92101	Counsel for Defendant SHEA HOMES, INC. Telephone: (619) 233-1600 Julia.bergstrom@knchlaw.com Fort.zackary@knchlaw.com Shaun.george@knchlaw.com Viktor.iarushin@knchlaw.com
8 9 10	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
11 12	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
13 14 15	Shon Morgan, Esq. QUINN EMANUEL URQUHART & SULLIVAN LLP 865 S. Figueroa St., 10 th Floor Los Angeles, CA 90017	Co-Counsel for Defendant SHEA HOMES, INC. Telephone: (213) 443-3252 Fax: (213) 443-3100 shonmorgan@quinnemanuel.com