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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO
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11 JONATHAN SPIRO and SIMONE
KAPLAN, individually and on behalf of all
12 others similarly situated,

13 Plaintiffs,

14 vs.

15 TRINITY MANAGEMENT SERVICES,
1188 MISSION STREET LP, 1890
16 CLAY STREET LP, 2240 GOLDEN
GATE AVE LLC, CRYSTAL TOWER
17 PARTNERS LLC, SANGIACOMO
FAMILY LP, TRINITY G2 HOLDING
18 LLC, JAMES SANGIACOMO, SUSAN
SANGIACOMO, and DOES 1-50,
19 inclusive,

20 Defendants.

Case No. CGC-17-562293

**DECLARATION OF SIMONE KAPLAN IN
SUPPORT OF PLAINTIFFS' MOTION
FOR AN AWARD OF ATTORNEYS'
FEES, COSTS AND INCENTIVE
AWARDS**

Date: July 20, 2023
Time: 10:00 a.m.
Place: Department 613

The Honorable Andrew Y.S. Cheng

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22 I, Simone Kaplan, declare as follows:

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24 1. I am one of the two named Plaintiffs in this lawsuit and have been
25 appointed by the Court to serve as one of the two Class Representatives. I have personal
26 knowledge of the matters stated in this declaration and I could and would competently testify to
27 them if called as a witness.
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1 2. I am submitting this declaration in support of my request for an incentive
2 award.

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4 3. In 2017, when I started receiving increased bills for water and trash
5 services from Trinity Management Services, I believed Trinity was breaking the law. Although I
6 had initially intended to bring an individual claim to recover my own damages, I believed Trinity
7 was also illegally charging the same fees to hundreds of other tenants. Instead of just receiving a
8 quick monetary settlement for myself, I wanted to change Trinity's illegal practice and benefit all
9 of the tenants who were being charged illegal fees. Consequently, I researched and located
10 Seeger Devine LLP, a law firm that had experience bringing class action cases against San
11 Francisco landlords.

12
13 4. At the outset, Seeger Devine LLP explained to me the duties of a class
14 representative, and I understood that by bringing this class action, I needed to put the interest of
15 the Class above my own personal interests. For example, I knew that I couldn't take a quick
16 settlement of my own case and dismiss everyone else's claims. I was willing to take on these
17 duties because I wanted to help all of Trinity's tenants who were being illegally charged for water
18 and trash services.

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20 5. I also understood the significant risk of filing a class action case against
21 Trinity, but I firmly believed that Trinity was acting illegally and that they should be held to
22 account for their illegal practices. Consequently, I was willing to take that risk so that I could try
23 to find justice for all of the Class Members.

24
25 6. Seeger Devine LLP requested from me, and I provided, numerous
26 documents that proved my case, including my lease agreement with Trinity, all the invoices I
27 received from Trinity for water and trash services, and records of my communications with
28 Trinity, Trinity's billing service (called "YES,") and my property manager.

1 7. I reviewed the Complaint in this case before it was filed and discussed it
2 with my attorneys. Over the course of this case, I continued to monitor the progress of this case,
3 including regular communications with my attorneys.

4
5 8. I also spent time reviewing and responding to discovery in this case. For
6 example, I was required to answer and verify 60 special interrogatories that Trinity served on me
7 in 2018.

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9 9. I also monitored the settlement progress in this case. Although I was
10 disappointed that Trinity did not settle the case in 2018, I was determined to continue to fight to
11 protect my rights and the rights of all of the Class Members in this case.

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13 10. When this Court appointed me as Class Representative in 2021, I took this
14 responsibility very seriously. I continued to monitor this case, I was advised of and had an
15 opportunity to discuss with my lawyer all of the significant activities in this case (such as the trial
16 of the key legal issues in this case and the various motions to attach Trinity's assets and to amend
17 the complaint to add Trinity's related parties).

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19 11. I continued to monitor the settlement efforts in this case and, when a
20 settlement was finally reached, I closely reviewed the terms of the Settlement and discussed it
21 with my attorneys.

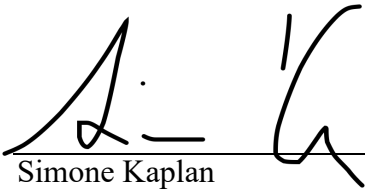
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23 12. I believe that the settlement achieved is a fair result for the Class, and is
24 fair and reasonable, considering the potential risks of going forward with litigation, especially in
25 light of some of the defenses that Defendant has raised and the fact that it has stated that it will
26 appeal any adverse decision. While I disagree with Trinity's defenses, I recognize that this Court
27 or an appellate court might find them compelling. In determining that this Settlement is fair and
28

1 reasonable, I considered these defenses, and took into consideration to the advice of my attorneys.
2 I am proud of the result this case was able to achieve for all Class Members.

3
4 13. To my knowledge, I have no interest that is not in line with all of the other
5 Class Members. My goals in bringing this case were to ensure that Trinity was held accountable
6 for the illegal water and trash charges it passed on to me and its other tenants and to make Trinity
7 stop this illegal practice. I believe that both of these goals have been achieved by this settlement,
8 and I am proud to have been a part of it.

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10 I declare under penalty of perjury under the laws of California that the foregoing is
11 true and correct.

12 Executed on June 6, 2023.

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15 By  _____
16 Simone Kaplan

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