

1 Michael J. Bidart (SBN 60582) – mbidart@shernoff.com
2 Reid Ehrlich (SBN 334012) – rehrlich@shernoff.com
3 SHERNOFF BIDART ECHEVERRIA LLP
4 600 S. Indian Hill Blvd.
5 Claremont, California 91711

Electronically FILED by
Superior Court of California,
County of Los Angeles
7/03/2023 7:03 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Covarrubias, Deputy Clerk

6 Stuart C. Talley (SBN 180374) – stuart@ktblegal.com
7 KERSHAW TALLEY & BARLOW PC
8 401 Watt Avenue
9 Sacramento, California 95864

10 Gretchen M. Nelson (SBN 112566) – gnelson@nflawfirm.com
11 NELSON & FRAENKEL LLP
12 601 So. Figueroa Street, Suite 2050
13 Los Angeles, California 90017

14 Gregory L. Bentley (SBN 151147) – gbentley@bentleymore.com
15 Matthew W. Clark (State Bar No. 273950) – mclark@bentleymore.com
16 BENTLEY & MORE LLP
17 4931 Birch Street
18 Newport Beach, California 92660

19 Attorneys for Plaintiffs and the Class

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 FOR THE COUNTY OF LOS ANGELES

22 HOLLY WEDDING, et al.,

23 Plaintiffs,

24 vs.

25 CALIFORNIA PUBLIC EMPLOYEES’
26 RETIREMENT SYSTEM, et al.,

27 Defendants.

Case No. BC517444
JCCP Case No. 4936
[Hon. William F. Highberger]

**DECLARATION OF RICHARD
LODYGA IN SUPPORT OF
PLAINTIFFS’ (1) MOTION FOR FINAL
APPROVAL OF SECOND CLASS
ACTION SETTLEMENT AND (2)
MOTION FOR AWARD OF
ATTORNEYS’ FEES AND COSTS,
SERVICE AWARDS AND
ADMINISTRATION EXPENSES**

Date: July 26, 2023
Time: 11:00 a.m.
Dept.: 10 – Spring Street Courthouse

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Richard Lodyga, do hereby declare as follows:

1. I am one of the Plaintiffs in this class action case. I have personal knowledge of the facts stated herein and could testify to these facts under oath.

2. I previously filed a declaration on September 15, 2015, in support of Plaintiffs' motion to certify a class in this case and was appointed to serve as a class representative. I am familiar with the Court's Order of January 28, 2016, certifying the Class. I also filed a declaration on February 27, 2023, in support of Plaintiffs' Motion for Preliminary Approval of Second Class Action Settlement, and I am familiar with the Court's Order of March 10, 2023, granting preliminary approval of Second Class Action Settlement.

3. I am a member of the litigation Class certified in 2016, and the Settlement Class previously certified by the Court in 2021 as well as the Settlement Class certified in March 2023. In or around 1997, I purchased a CalPERS Long-Term Care Policy with automatic inflation protection and lifetime benefits. I have continuously paid my premiums for the policy to this day.

4. In or around February 2013, I received a notice of a rate increase that was to be implemented over a two-year period starting in 2015 and that would increase my premiums by 85%. Because I could not afford to pay the 85% rate increase, I decided in 2015 to reduce my benefits to a 10-year policy with no automatic inflation protection benefits. My wife, Eileen, and I then reached out to counsel Gretchen Nelson and Stuart Fraenkel to see if there was anything that could be done legally regarding the rate increase. We had not prior knowledge of counsel but they were recommended to us by a family member.

5. I am familiar with all the allegations that have been asserted in this lawsuit and I am familiar with the Court's Orders that have affected the claims and allegations. I have been actively involved in the prosecution of this case from the summer of 2013 when we reached out to retain counsel to assist us. Eileen and I became Plaintiffs in the lawsuit when a First Amended Complaint was filed in December 2013. I have had regular contact with my attorneys regarding the progress of the case.

1 6. I have devoted significant time to gathering essential information for Class
2 Counsel to assist in researching the merits of the claims asserted here and working to assist in the
3 litigation. I have been deposed on two separate days in this case (over 25 hours of deposition
4 time and preparation time). I have responded to discovery served on me, including 13 separate
5 written discovery requests comprised of 5 sets of interrogatories, 6 sets of document requests,
6 and 2 sets of requests for admission (over 40 hours of time, including gathering hundreds of
7 pages of documents for production). In all my wife and I have produced 586 pages of documents
8 from our files. I received regular updates on and followed the status and progress of the lawsuit,
9 spending over 85 hours of time attending the first phase of the trial, hearings on the motion for
10 class certification, and approval of the settlements, and reviewing documents that have been filed
11 throughout this litigation, including various orders issued by the Court. Since we live in San
12 Clemente we traveled to hearings and depositions in Los Angeles. And, we have participated in
13 remote hearings since the start of the pandemic.

14 7. I have devoted at least 40 hours to participating in the mediations that occurred in
15 this case before the Honorable Layn Phillips (Ret.). I am familiar with the Prior Settlement and
16 filed a declaration in support of the Prior Settlement in July 2021. I participated in numerous
17 settlement discussions after the Prior Settlement was terminated, and I am familiar with the terms
18 of the Second Class Action Settlement. And I have reviewed in detail the Second Class Action
19 Settlement Agreement and Release, which I signed on February 27, 2023.

20 8. From my perspective as a long-time CalPERS policyholder and class member, I
21 believe the Settlement here provides meaningful relief and is a great result for the Class I have
22 worked so hard to represent over the nearly 10 years of this litigation.

23 9. I have been involved in every aspect of this case and by my personal estimate
24 have devoted at least 200 hours of time to this litigation.

25 10. I am also aware of the extensive work and effort by Class Counsel. Since the
26 inception of this case, Class Counsel have worked tirelessly on behalf of the Class. Class
27 Counsel made certain to provide us with regular updates on the status of the case and made
28


1 certain that we were informed of the various orders issued by the Court throughout this litigation.
2 Class Counsel made certain that we were actively involved in all settlement discussions as well
3 as motion and trial practice in this case.

4 11. I am familiar with my responsibilities as a class representative, including my duty
5 to look out for the interests of other members of the Class and not solely my own. Throughout
6 my work on this case, I have kept the interests of the Class in mind and sought to do what is in
7 the best interests of all Class members.

8 12. I am not aware of any conflicts between myself and any other member of the
9 proposed Settlement Class or the Class that was previously certified by the Court that would
10 prevent me from serving as a class representative.

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

13 Executed this 3rd day of July, 2023, in San Clemente, California.

14
15 
16 Richard Lodyga

17
18
19
20
21
22
23
24
25
26
27
28