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Superior Court of California,
County of Alameda
10/11/2023 at 11:49:49 PM
By: Anita Dhir,
Deputy Clerk

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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF ALAMEDA**

17 **STATE OF CALIFORNIA**, ex rel. **BRYAN**
18 **BASHIN**, and **BRYAN BASHIN**, in his
individual capacity,

19 Plaintiffs,

20 vs.

21 **CONDUENT INCORPORATED**, a New
22 York corporation; **CONDUENT STATE &**
LOCAL SOLUTIONS, INC., a New York
23 corporation; and **US EDIRECT, INC.**, a
New York corporation,

24 Defendants.

Case No. RG18888208

ASSIGNED FOR ALL PURPOSES TO
Judge Evelio M. Grillo

**DECLARATION OF TIMOTHY ELDER
IN SUPPORT OF MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF MOTION TO APPROVE
SETTLEMENT AGREEMENT**

Hearing Date: November 3, 2023
Time: 9:00 a.m.
Reservation ID: 099620983334

1 I, Timothy Elder, declare:

- 2 1. I have personal knowledge of the following and could competently testify thereto if called as
3 a witness.
- 4 2. I am lead counsel for Plaintiff-Relator Bryan Bashin in the above-captioned action and am
5 an attorney in good standing with the State Bar for the State of California.
- 6 3. The Settlement Agreement presented for approval by the Court and executed by Plaintiff-
7 Relator Bryan Bashin, Defendant Conduent, Inc., Defendant Conduent State & Local
8 Solutions, Inc., and Defendant US eDirect, Inc., is attached as **Exhibit A**.
- 9 4. As a lead trial counsel for Plaintiff-Relator for the entire duration of the litigation, I am
10 familiar with the scope and extent of the work that Plaintiff-Relator's counsel performed in
11 prosecuting claims in this matter.
- 12 5. After extensive discovery, each Defendant moved for summary judgment. Counsel for Mr.
13 Bashin expended considerable resources in responding to both summary judgment motions,
14 which were fully briefed by April 11, 2023.
- 15 6. Counsel for Defendants proposed mediation and the Parties participated in mediation
16 proceedings with Hon. James Otero (ret.), including an all-day session on April 14, 2023.
- 17 7. At the conclusion of the mediation, Judge Otero was able to assist the Parties in reaching an
18 agreement in principle concerning the CFCA and Unruh Act claims. After extensive
19 consultation between themselves and with DPR, the Parties came to terms on a Settlement
20 Agreement. They then advised the Court they had an agreement in principle which would be
21 submitted to the Department of Justice and to the Court for approval.
- 22 8. Counsel for Mr. Bashin invested nearly 10,000 hours on a contingent basis in the
23 investigation and litigation of the overlapping CFCA and Unruh Act claims (each of which
24 contained novel elements requiring specialized insight into their application to website
25 accessibility cases) in this litigation and incurred expenses of nearly \$220,000.
- 26 9. Counsel for Mr. Bashin have agreed to substantially reduce their fee and expense claims to
27 secure the remediation of the Website and other terms in the attached Settlement Agreement,
28 and will agree to recoup their reduced fees and expenses exclusively from the proposed

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Unruh Act portion of the Settlement Agreement (and not from the CFCA portion).
10. The Department of Justice notified attorneys for Mr. Bashin of their consent to the settlement terms via email on September 28, 2023.

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

Executed this 11th day of October, 2023 in Fremont, California.

TRE LEGAL PRACTICE

/s/ Timothy Elder

Timothy Elder

Attorneys for Plaintiff-Relator Bryan Bashin