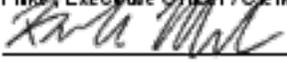


01/02/2026

Clad File, Executive Officer / Clerk of the Court  
By:  Deputy  
B. Mercado

1 Prescott W. Littlefield, State Bar No. 259049  
2 Thomas A. Kearney, State Bar No. 90045  
3 Andrew J. Kearney, State Bar No. 323867  
4 KEARNEY LITTLEFIELD, LLP  
5 655 N. Central Ave., 17<sup>th</sup> Floor  
6 Glendale, CA 91203  
7 Telephone (213) 473-1900  
8 Facsimile (213) 473-1919  
9 tak@kearneylittlefield.com  
10 pwl@kearneylittlefield.com  
11 ajk@kearneylittlefield.com

12 Attorney for Plaintiff

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF ALAMEDA**

15 ALAN WOFSY & ASSOCIATES, a  
16 California corporation (dba Hearst  
17 Commons) on behalf of itself and all  
18 others similarly situated;

19 Plaintiff,

20 v.

21 CITY OF BERKELEY and BERKELEY  
22 RENT STABILIZATION BOARD,

23 Defendants.

CASE NO.: 23CV043503

**CLASS ACTION**

**STIPULATION AND REQUEST TO  
SUBSTITUTE KEARNEY LITTLEFIELD  
LLP AS CLASS COUNSEL FOR COBLENTZ  
PATCH DUFFY & BASS LLP AND  
~~[PROPOSED]~~ ORDER THEREON**

Assigned for all purposes to  
Hon. Raj Chatterjee, Dept. 21

24 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

25 This Stipulation and Request to Substitute Kearney Littlefield LLP as Class Counsel for  
26 Coblentz Patch Duffy & Bass LLP is entered into by and between Class Representative Plaintiff  
27 Alan Wofsy & Associates, on behalf of itself and all other similarly situated (“Plaintiff”) and  
28 Defendant Berkeley Rent Stabilization Board (“Rent Board”) (collectively with Plaintiff the  
“Parties”), as well as Coblentz Patch Duffy & Bass LLP (“Class Counsel,” or “CPDB”) and Kearney  
Littlefield LLP and is made with reference to the following facts and recitals:

WHEREAS, Plaintiff, through Class Counsel, filed the original complaint in this class action  
case on September 11, 2023, and an amended complaint on October 12, 2023.

1           WHEREAS, on August 30, 2024, Plaintiff filed a motion for class certification.

2           WHEREAS, the Parties submitted a joint stipulation seeking certification of a class of “All  
3 persons who currently own or have owned units to which Measure MM applies at any time from  
4 January 1, 2021, through the present, excluding all persons exempt from Measure MM and all  
5 affordable housing projects managed by a nonprofit with an operative regulatory agreement with the  
6 City of Berkeley through its Affordable Housing Trust Fund program,” (the “Class”) and appointing  
7 Class Counsel as counsel for the Class and Plaintiff as the class representative. This Stipulation was  
8 approved by the Court, and an order certifying the class was entered on November 5, 2024.

9           WHEREAS, notice to approximately 3,600 potential class members was completed as of  
10 March 15, 2025, and one class member has requested to opt out of the Class.

11           WHEREAS, Plaintiff has provided funding for this Action to date, including paying  
12 attorneys’ fees and costs to pursue this Action. Specifically, and as set forth in the Declaration of  
13 Alan Wofsy filed herewith, Plaintiff has paid \$111,848.40 in attorneys’ fees to Class Counsel and  
14 also paid costs in the amount of \$5,460.13 to various vendors in pursuing this Action. (Declaration  
15 of Alan Wofsy at ¶ 3.)

16           WHEREAS, Class Counsel requests to withdraw as class counsel in this matter. The law firm  
17 of Kearney Littlefield LLP seeks to be appointed class counsel on the terms of, and as disclosed  
18 herein.

19           WHEREAS, as stated in the concurrently filed Declaration of Prescott W. Littlefield, partner  
20 of Kearney Littlefield LLP, Kearney Littlefield LLP is adequate to represent the Class under Code  
21 of Civil Procedure section 382 and California Rules of Court Rule 3.760 et seq. Specifically,  
22 Kearney Littlefield has the competence and experience to litigate a Proposition 26 class action, has  
23 the resources and ability to pursue this Action, has no known conflicts with the Class, and will  
24 vigorously represent the Class (See Declaration of Prescott W. Littlefield at ¶¶ 2-5 (“Littlefield  
25 Decl.”)).

26           WHEREAS, pursuant to the guidance given by Justice Liu’s concurring opinion in *Laffitte*  
27 *v. Robert Half International Inc.* (2016) 1 Cal.5th 480, 575 (*Laffitte*), which is intended “to promote  
28 accuracy, transparency, and public confidence in the awarding of attorneys' fees in class action

1 litigation,” Kearney Littlefield believes the following disclosures are warranted in connection with  
2 this Request: Kearney Littlefield LLP has agreed to represent the Class on a contingency basis and  
3 to advance all costs incurred hereafter; Kearney Littlefield LLP will seek to recover attorneys’ fees  
4 and cost reimbursement from a recovery for the Class in this matter (if any) through a proper motion  
5 for attorneys’ fees, which will seek fees as a percentage of any common fund (currently anticipated  
6 to be a request for 33.33% of any common fund) plus costs; should Kearney Littlefield LLP be  
7 successful in obtaining a recovery, Kearney Littlefield LLP agrees to reimburse Plaintiff for  
8 attorneys’ fees advanced to date in the amount of \$111,848.40 from any attorneys’ fee awarded by  
9 the Court herein as well as costs of \$5,460.13 to Plaintiff. Kearney Littlefield LLP believes  
10 reimbursement to Plaintiff would be warranted in the event of a recovery and now seeks the Court’s  
11 approval to make these reimbursements should there be a recovery. Obtaining the Court’s approval  
12 for this agreement is a material term of Kearney Littlefield LLP’s agreement to substitute as Class  
13 Counsel. (Littlefield Decl. at ¶¶ 7-8.) In addition to these reimbursements, Kearney Littlefield LLP  
14 also understands that the vendor hired to provide the Court Ordered Notice in this matter, SSI  
15 Settlement Services, Inc., an Epiq Company (the “Administrator”) has an outstanding invoice in the  
16 amount of \$16,040.98. In the event of a recovery in this matter, Kearney Littlefield LLP will seek  
17 for the Administrator to be paid from the recovery.

18 WHEREAS, Class Counsel agrees that, in the event of a recovery on behalf of the Class,  
19 CPDB will not assert any claim for fees in this matter, whether in law or equity. Specifically, CPDB  
20 represents that the \$111,848.40 it has already received from Plaintiffs will be the full compensation  
21 for its work on this Action.

22 WHEREAS, Kearney Littlefield LLP believes conditional approval by the Court of these  
23 terms is warranted pursuant to Justice Liu’s concurrence in *Laffitte*. (*Laffitte, supra*, 1 Cal.5th at p.  
24 576 [“Whenever possible, the parties should negotiate, and the court should review and conditionally  
25 approve, the terms of attorney compensation at the start of litigation.”].)

26 WHEREAS, Kearney Littlefield LLP understands that the notice website for this Action is  
27 still active at: <https://berkeleyregistrationfees.com> (the “Website”). (Last visited 12/30/2025).  
28 Kearney Littlefield LLP believes that, should the Court agree to the substitution of counsel sought

1 herein, the reasonable manner in which notice should be given to the Class would be to post it on  
2 the Website.

3 WHEREAS, the Rent Board does not object to Kearney Littlefield LLP substituting as class  
4 counsel, but expressly takes no position as to any other statements in this Request.

5 **IT IS THEREFORE STIPULATED THAT:**

6 Kearney Littlefield LLP shall substitute as class counsel for Class Counsel, upon such terms  
7 as the Court shall approve.

8  
9  
10 DATED: December 30, 2025

Respectfully Submitted

11  
12 By: \_\_\_\_\_  
13 Nazanin Salehi  
14 Attorney for Defendant  
15 Berkeley Rent Stabilization Board

16 DATED: December 30, 2025

Respectfully Submitted

17  
18 By:  \_\_\_\_\_  
19 Frank Busch  
20 Attorney for Plaintiffs and the Class

21 DATED: December 30, 2025

Respectfully Submitted

22 By:  \_\_\_\_\_  
23 Prescott W. Littlefield  
24 Attorney for Plaintiffs  
25  
26  
27  
28

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4 counsel, but expressly takes no position as to any other statements in this Request.

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Respectfully Submitted

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14 Attorney for Defendant  
15 Berkeley Rent Stabilization Board

16 DATED: December 30, 2025

Respectfully Submitted

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18 By: \_\_\_\_\_  
19 Frank Busch  
20 Attorney for Plaintiffs and the Class

21 DATED: December 30, 2025

Respectfully Submitted

22 By:   
23 Prescott W. Littlefield  
24 Attorney for Plaintiffs  
25  
26  
27  
28

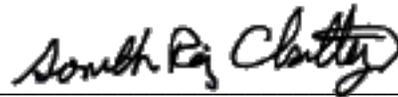
1 **~~PROPOSED~~ ORDER**

2 Pursuant to the stipulation by and between Plaintiff Alan Wofsy & Associates, the  
3 Berkeley Rent Stabilization Board, Coblenz Patch Duffy & Bass LLP, and Kearney Littlefield  
4 LLP, and the accompanying declarations of Alan Wofsy and Prescott W. Littlefield, and **GOOD**  
5 **CAUSE APPEARING THEREFOR:**

- 6 (1) Coblenz Patch Duffy & Bass LLP is relieved as class counsel;  
7 (2) Kearny Littlefield LLP is appointed class counsel. Kearney Littlefield will adequately  
8 represent the Class in this Action.  
9 (3) Notice of this substitution shall be given to the Class by posting this Order on the  
10 website: <https://berkeleyregistrationfees.com>.  
11 (4) The Court conditionally approves Kearney Littlefield LLP's statement regarding its  
12 intention to seek fees in the event of a recovery, and specifically, that Kearney  
13 Littlefield LLP may reimburse the Class Representative for actual attorneys' fees and  
14 costs already advanced by the Class Representative.

15 **IT IS SO ORDERED.**

16  
17 Dated: 01/02/2026

18  
19 

20 Hon. Raj Chatterjee  
21 Superior Court Judge  
22 **S. Raj Chatterjee / Judge**

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	<b>FILED</b> Superior Court of California County of Alameda 01/02/2026
PLAINTIFF/PETITIONER: Alan Wofsy & Associates, a California corporation et al	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy B. Mercado
DEFENDANT/RESPONDENT: City of Berkeley et al	
<b>CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</b>	CASE NUMBER: 23CV043503

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Stipulation and Order to Substitute Kearney Littlefield LLP as Class Counsel entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Frank H Busch  
Wagstaffe, von Loewenfeldt, Busch & Radw  
ef-fhb@cpdb.com

Hannah C Kim  
hkim@cityofberkeley.info

James Thomas Diamond  
Goldfarb & Lipman LLP  
jdiamond@goldfarblipman.com

Prescott Wayne Littlefield  
Kearney Littlefield LLP  
pwl@kearneylittlefield.com

Victor Haohan Yu  
COBLENTZ PATCH DUFFY & BASS LLP  
ef-vhy@cpdb.com

Chad Finke, Executive Officer / Clerk of the Court

Dated: 01/02/2026

By:



B. Mercado, Deputy Clerk