

03/20/2026

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  
ASSOCIATE BENINK & SLAVENS AS CO-  
CLASS COUNSEL WITH KEARNEY  
LITTLEFIELD 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 Associate Benink & Slavens as Co-Class Counsel with  
26 Kearney Littlefield LLP is entered into by and between Class Representative Plaintiff Alan Wofsy  
27 & Associates, on behalf of itself and all other similarly situated (“Plaintiff”) and Defendant Berkeley  
28 Rent Stabilization Board (“Rent Board”) (collectively with Plaintiff the “Parties”), and is made with  
reference to the following facts and recitals:

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

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

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

8           WHEREAS, on January 2, 2026, this Court entered an Order substituting Kearney Littlefield  
9 LLP as Class Counsel, on the terms stated in the January 2, 2026 Order.

10           WHEREAS, Kearney Littlefield LLP desires to associate Benink & Slavens, LLP as Co-  
11 Class Counsel in this matter, and Benink & Slavens LLP desires to be so associated.

12           WHEREAS, as stated in the concurrently filed Declaration of Eric J. Benink, partner of  
13 Benink & Slavens LLP, Benink & Slavens LLP is adequate to represent the Class under Code of  
14 Civil Procedure section 382 and California Rules of Court Rule 3.760 et seq. Specifically, Benink  
15 & Slavens LLP has the competence and experience to litigate a Proposition 26 class action, has the  
16 resources and ability to pursue this Action, has no known conflicts with the Class, and will  
17 vigorously represent the Class (See Declaration of Eric J. Benink at ¶¶ 1-4).

18           WHEREAS, the Class website of: <https://berkeleyregistrationfees.com> (the “Website”)  
19 remains active. (Last visited 3/4/2026). Kearney Littlefield LLP believes that, should the Court agree  
20 to the association of counsel sought herein, the reasonable manner in which notice should be given  
21 to the Class would be to post it on the Website.

22           WHEREAS, the Rent Board does not object to Benink & Slavens LLP associating as Co-  
23 Class Counsel.

24           **IT IS THEREFORE STIPULATED THAT:**

25           Benink & Slavens LLP shall associate as Co-Class Counsel with Kearney Littlefield LLP.  
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DATED: March 11, 2026

Respectfully Submitted

By:       /s/ Nazanin Salehi        
Nazanin Salehi  
Attorney for Defendant  
Berkeley Rent Stabilization Board

DATED: March 11, 2026

Respectfully Submitted

By:       /s/ Prescott W. Littlefield        
Prescott W. Littlefield  
Attorney for Plaintiff and the Class

DATED: March 11, 2026

Respectfully Submitted

By:       /s/ Eric J. Benink        
Eric J. Benink  
Proposed Attorney for Plaintiff and  
the Class

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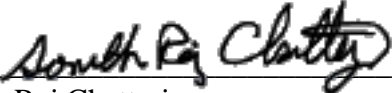
**[PROPOSED] ORDER**

Pursuant to the stipulation by and between Plaintiff Alan Wofsy & Associates, the Berkeley Rent Stabilization Board, Kearney Littlefield LLP, and Benink & Slavens LLP and the accompanying declaration of Eric J. Benink, and **GOOD CAUSE APPEARING THEREFOR:**

- (1) Benink & Slavens LLP is hereby appointed Co-Class Counsel with Kearny Littlefield LLP. Benink & Slavens LLP will adequately represent the Class in this Action.
- (2) Notice of this association shall be given to the Class by posting this Order on the website: <https://berkeleyregistrationfees.com>.

**IT IS SO ORDERED.**

Dated: 03/20/2026

  
\_\_\_\_\_  
Hon. Raj Chatterjee  
Superior Court Judge  
**S. Raj Chatterjee / Judge**