

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

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David W. Slayton,
Executive Officer/Clerk of Court,
By J. Covarrubias, Deputy Clerk

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

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

10 Gregory L. Bentley (SBN 151147) – gbentley@bentleymore.com
Matthew W. Clark (State Bar No. 273950) – mclark@bentleymore.com
11 BENTLEY & MORE LLP
12 4931 Birch Street
Newport Beach, California 92660

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14 Attorneys for Plaintiffs and the Class

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF LOS ANGELES

17 HOLLY WEDDING, et al.,

18 Plaintiffs,

19 vs.

20 CALIFORNIA PUBLIC EMPLOYEES’
RETIREMENT SYSTEM, et al.,

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

**DECLARATION OF EILEEN 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 I, Eileen Lodyga, do hereby declare as follows:

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

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

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

14 4. In or around February 2013, I received a notice of a rate increase that was to be
15 implemented over a two-year period starting in 2015 and that would increase my premiums by
16 85%. Because I could not afford to pay the 85% rate increase, I decided in 2015 to reduce my
17 benefits to a 10-year policy with no automatic inflation protection benefits. In or around April or
18 May 2013, my husband and I reached out to counsel, Gretchen Nelson and Stuart Fraenkel, who
19 were recommended to us by a family member. We contacted counsel to see if there was
20 anything that could be done about the 85% rate increase that was announced by CalPERS in
21 2013.

22 5. I am familiar with all the allegations that have been asserted in this lawsuit and I
23 am familiar with the Court's Orders that have affected the claims and allegations. I have been
24 actively involved in the prosecution of this case from the summer of 2013 when reached out to
25 retain counsel to assist myself and my husband, Richard Lodyga. Richard and I became Plaintiffs
26 in the lawsuit when a First Amended Complaint was filed in December 2013. I have had regular
27 contact with my attorneys regarding the progress of the case.

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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. I have been deposed on
3 three separate days in this case (over 30 hours of deposition time and preparation time). I have
4 responded to discovery served on me, including 13 sets of written discovery comprised of 5
5 separate set of interrogatories, 6 separate sets of document requests and 2 separate sets of
6 requests for admission (over 40 hours of time, including gathering hundreds of pages of our own
7 documents for production). In all, my husband and I produced 586 pages of documents that we
8 maintained in our records. In addition, I was asked to and obtained documents from colleagues
9 of mine who also purchased a CalPERS LTC policy. I received regular updates on and followed
10 the status and progress of the lawsuit, spending over 100 hours of time attending the first phase
11 of the trial, hearings on class certification and preliminary and final approval of prior settlements,
12 and reviewing documents that have been filed throughout this litigation by our Counsel and
13 opposing counsel, including various orders issued by the Court.

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

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

24 9. I have been involved in every aspect of this case and by my personal estimate
25 have devoted over 200 hours of time to this litigation as outlined above.

26 10. I am also aware of the extensive work and effort by Class Counsel. Since the
27 inception of this case, Class Counsel have worked tirelessly on behalf of the Class. Class
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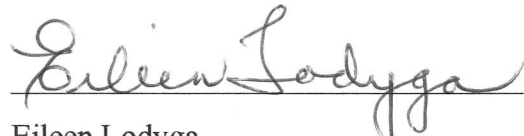
1 Counsel made certain to provide us with regular updates on the status of the case and made
2 certain that we were informed of the various orders issued by the Court throughout this litigation.
3 Class Counsel made certain that we were actively involved in all settlement discussions as well
4 as motion and trial practice in this case.

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

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

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

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

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17 Eileen Lodyga

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