

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

<p>Edward Builders & Developers Plaintiff/Petitioner(s) VS. Barbara Warren et al Defendant/Respondent(s)</p>	<p>No. RG19012386 Date: 05/04/2023 Time: 3:30 PM Dept: 17 Judge: Frank Roesch</p>
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ORDER re: Hearing on Motion - Other
Class Certification

The Motion for Class Certification filed by Barbara Warren on 02/21/2023 is Granted.

Cross-Complainants' Barbara Warren, by and through her Successor in Interest Katrina Warren; Saul Grabia; Susan Grabia; Steve Stallone; and Pauline Peros' ("Cross-Complainants") Motion For Class Certification against cross-defendants CSCDA, PACE Funding Group LLC, and Edward Builders & Developers, Inc is GRANTED.

Cross-Complainants move for class certification of three classes each with an elder subclass.

1. CLASS 1: Homeowners assessed a "fee" by the Program Administrator which reduced payment to the contractor to less than the quoted project cost.
2. CLASS 2: Homeowners charged for a service (Cool Wall Coating) not qualified for PACE program financing.
3. CLASS 3: Homeowners who were charged more than \$3 per square foot for wall or ceiling insulation.

LEGAL STANDARD

"The party advocating class treatment must demonstrate the existence of an ascertainable and sufficiently numerous class, a well-defined community of interest (commonality), and substantial benefits from certification that render proceeding as a class superior to the alternatives." (Brinker Restaurant Corp. v. Superior Court (2012) 53 Cal.4th 1004, 1021.)

The court considers three factors to determine whether a community of interest exists: "(1) predominant common questions of law or fact; (2) class representatives with claims or defenses typical of the class; and (3) class representatives who can adequately represent the class." (Id.) To assess predominance, a court "must examine the issues framed by the pleadings and the law applicable to the causes of action alleged." (Id.)

DISCUSSION

When the issues that may be jointly tried, compared to those requiring separate adjudication, are numerous or substantial, maintenance of a class action becomes advantageous to the judicial process and to the litigants. (Brinker, 53 Cal. 4th at 1021, citing Collins v. Rocha (1972) 7 Cal.3d 232, 238.)

Cross-Defendants, citing J.P. Morgan & Co. v. Sup. Ct. (2004) 113Cal.App.4th 195, 216, oppose

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on the ground that Cross-Complainants' "claims must be "proved predominantly with facts applicable to the class as a whole." Cross- Defendants contend that Cross-Complainants have not made a showing that common or class-wide evidence is available to support each element of their claim.

Cross-Complainants have made a sufficient showing that the three classes are ascertainable by reviewing the contracts and forms (i.e. the assessment contract; the Completion Certificate; and the Truth in Lending Disclosures) PFG transmits to PACE customers. The Cross-Complaint alleges that each proposed class member was economically harmed from participating in the PACE program. Although each of the three proposed classes claim injury under different factual circumstances, the class members within each proposed class may rely on common evidence.

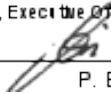
To the extent Cross-Defendants argue that Cross-Complainants would be required to show individualized proof of damages or restitution for each class member; this alone will not defeat class certification. When a "defendant's liability can be determined by facts common to all members of the class, a class will be certified even if the members must individually prove their damages." (Brinker, 53 Cal. 4th at 1022, citing Hicks v. Kaufman & Broad Home Corp. (2001) 89 Cal.App.4th 908, 916.)

The Court finds the proposed classes and subclasses are appropriate for class certification. Cross-Complainants' motion for Class certification is GRANTED.

Dated: 05/04/2023



Frank Roesch / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 05/05/2023 Chad Finke, Executive Officer / Clerk of the Court
PLAINTIFF/PETITIONER: Edward Builders & Developers	By:  Deputy
DEFENDANT/RESPONDENT: Barbara Warren et al	P. Bir
CERTIFICATE OF MAILING	CASE NUMBER: RG19012386

I, the below-named Executive Officer/Clerk 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 the upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

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Dated: 05/05/2023

By:



P. Bir, Deputy Clerk

CERTIFICATE OF MAILING

SHORT TITLE: Edward Builders & Developers VS Warren

CASE NUMBER: RG19012386

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