

Shareholders
Linda M. Dardarian
Laura L. Ho
James Kan
Andrew P. Lee



Goldstein, Borgen,
Dardarian & Ho

Of Counsel
Barry Goldstein
David Borgen
Morris J. Baller

CONFIDENTIAL SETTLEMENT COMMUNICATION

December 10, 2020

Via E-Mail Only

Steven G. Churchwell
Churchwell White LLP
1414 K Street, 3rd Floor
Sacramento, CA 95814

steve@churchwellwhite.com

Re: *Yumori-Kaku, et al., Plaintiffs-Respondents v. City of Santa Clara,
Defendant-Appellant*

Dear Steve:

In 2018, the trial court found Santa Clara to be in violation of the CVRA and ordered district elections. The court also awarded Plaintiffs \$3,164,955 in fees and \$174,549 in costs, covering the time period through January 7, 2019. In the nearly two years since trial, two district based elections have taken place under the court ordered maps, while the City and Plaintiffs have continued to incur fees and costs on the appeal. Plaintiffs have incurred an additional approximately \$450,000 in fees and \$5,000 in costs for the appeal, not to mention interest on the already awarded fees and costs.

If Plaintiffs prevail on the appeal, as they expect to, they will be seeking those appellate fees and costs, with a potential multiplier, and the total fees and costs exposure to Santa Clara could be over \$3.8 million. If Plaintiffs lose the appeal, which is unlikely, they will seek review by the Supreme Court, which is currently considering another CVRA case, from Santa Monica. Many of the same attorneys representing Plaintiffs here also represent the Plaintiffs in Santa Monica. If Plaintiffs win the appeal, the City may decide to seek Supreme Court review. If there are Supreme Court proceedings, and the Plaintiffs still prevail, then Santa Clara's fees and costs exposure will likely exceed \$4 million, just on the Plaintiff side. Many more tens or hundreds of thousands will also be spent on the City's attorneys.

Given the success of the court-ordered remedies, Plaintiffs are willing to settle this case before oral argument on December 17, 2020 on the following terms: (1) dismissal of the appeal in writing on Dec. 16th and (2) payment of fees and costs of \$2.8 million by March 1, 2021, which is a \$1 million discount off fees and costs incurred to date.

155 Grand Avenue, Suite 900, Oakland, CA 94612

Tel 510. 763. 9800

Fax 510. 835. 1417

www.gbdhlegal.com

793831.1

-2-

December 10, 2020

Very truly yours,

Laura L. Ho
Goldstein Borgen Dardarian & Ho

/s/

Robert Rubin
Law Office of Robert Rubin

/s/

Richard Konda
Asian Law Alliance

LLH/tr