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Counsel for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
CENTRAL CIVIL WEST

SHAWN REED, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SUNRUN, INC.,

Defendant.

Case No. BC498002

CLASS ACTION

BY FAX

**NOTICE OF MOTION AND MOTION
FOR APPROVAL OF CLASS NOTICE
PLAN; MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT**

Date: April 29, 2015
Time: 10:00 a.m.
Department: 311

Hon. John Shepard Wiley, Jr.

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County of Los Angeles

APR 07 2015

Sherril H. Watts, Executive Officer/Clerk
By: Kandace Bennett, Deputy



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10
 11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 12 **FOR THE COUNTY OF LOS ANGELES**
 13 **CENTRAL CIVIL WEST**

14 SHAWN REED, individually and on behalf of
 15 all others similarly situated,

16 Plaintiff,

17 v.

18 SUNRUN, INC.,

19 Defendant.

Case No. BC498002

CLASS ACTION

**NOTICE OF MOTION AND MOTION
 FOR APPROVAL OF CLASS NOTICE
 PLAN; MEMORANDUM OF POINTS
 AND AUTHORITIES IN SUPPORT**

Date: April 29, 2015

Time: 10:00 a.m.

Department: 311

Hon. John Shepard Wiley, Jr.


1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on April 29, 2015, at 10:00 am, or as soon thereafter as the
3 matter may be heard in Department 311 of the Los Angeles Superior Court, Central Civil West,
4 located at 600 West Commonwealth Avenue, Los Angeles, California, Plaintiff Shawn Reed
5 (“Plaintiff”), by counsel and pursuant to California Rules of Court 3.766, will and hereby does
6 move this Court to approve Plaintiff’s Proposed Class Notice Plan.

7 This Motion is based on this Notice, Memorandum of Points and Authorities, the
8 Declaration of Elaine T. Byszewski, and on such evidence or oral argument as may be presented to
9 the Court at the time of hearing.

10
11 DATED: April 7, 2015

HAGENS BERMAN SOBOL SHAPIRO LLP

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27 *Attorneys for Plaintiff and the Class*

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I. BACKGROUND

Plaintiff alleges that Defendant Sunrun violated the Contractors' State License Law ("CSLL"), CAL. BUS. & PROF. CODE § 7000, *et seq.*, and the Unfair Competition Law ("UCL"), CAL. BUS. & PROF. CODE § 17200, *et seq.*, by installing solar panels on the roofs of homes since 2007, even though it did not have a license to do so until February 10, 2012. First Amended Complaint, ¶ 2.

On October 23, 2014, the Court certified the following Class:

All persons and entities located in the state of California who entered into a solar power contract with Sunrun prior to February 10, 2012, unless installation of that person's or entity's solar power system did not begin until on or after February 10, 2012.

Excluded from this Class are all those who entered into an arbitration agreement with Sunrun that states that it "is governed by the Federal Arbitration Act."

Also excluded from the Class are: (1) Defendant; (2) any entity in which Defendant has a controlling interest; (3) Defendant's officers, directors, and employees; (4) Defendant's legal representatives, successors, and assigns; and (5) the Court to which this case is assigned.

On February 9, 2015, Sunrun produced the mailing addresses of approximately 92% of Class members. On February 18, 2015, Plaintiff provided Sunrun with a draft of his motion for approval of the Proposed Class Notice Plan. On February 23, 2015, Sunrun told Plaintiff that – despite the Court granting class certification in the presence of the parties at the October 23, 2014 hearing and the docket entry reflecting same – Sunrun does not believe there is a certified Class, rendering this motion premature. On March 3, 2015, Plaintiff filed a notice of ruling regarding class certification, to which Sunrun did not object. On March 10, 2015, Sunrun provided comments to the draft notice but indicated that even with Plaintiff's incorporation of the comments, Sunrun would object to the motion for approval of the Proposed Class Notice Plan. Plaintiff now moves for approval of that plan.

II. PLAINTIFF'S PROPOSED CLASS NOTICE PLAN

Plaintiff has worked with Gilardi & Co. LLC ("Notice Administrator") and its in-house advertising agency, Larkspur Design Group (LDG), to formulate the Proposed Class Notice, which

1 advises Class members of all required information in a manner that is easy to read and understand.
2 See Exhibit A, Proposed Class Notice. It states the class definition, a brief overview of the case,
3 the option for any Class member to opt out and the procedure to do so, a statement that the
4 judgment will be binding on Class members who do not opt out, and the right of any member who
5 does not opt-out to appear in the case through his or her own lawyer. *Id.*

6 Plaintiff proposes that the notice be disseminated to Class members as follows:

- 7 • ***Notice to Class Members by Direct Mail.*** Plaintiff proposes that the Court direct
8 the Administrator to mail the Proposed Class Notice directly to Class members at
9 their mailing addresses as produced by Sunrun in discovery. Upon the Court's
10 approval of the Class Notice Plan, Plaintiff's counsel will provide the names and
11 addresses of the Class members to the Notice Administrator who will (1) use the
12 National Change of Address System to learn the mailing addresses of Class
13 members who have moved, and then (2) mail a notice to each Class member via first
14 class mail. If any of the Class Notices are returned with a yellow sticker, denoting a
15 recent change of address, the administrator will update the address in its system and
16 mail another Class Notice to the new address.
- 17 • ***Supplemental Notice by E-mail.*** Plaintiff also proposes that the Court direct the
18 Administrator to e-mail the Class Notice directly to Class members at their current
19 or last known e-mail address as produced, or to be produced, by Sunrun.
- 20 • ***Supplemental Notice by Internet Publication.*** Plaintiff further proposes that the
21 Class Notice be posted on the Hagens Berman Sobol Shapiro LLP website
22 (www.hbsslaw.com) and, without company or law firm embellishment or logos, on
23 an independent website established by the Administrator for purposes of this
24 litigation (e.g., www.SunrunLicensingLitigation.com).
- 25 • ***Supplemental Notice by Press Release.*** Plaintiff also proposes that LDG release a
26 party-neutral Press Release about the class certification through PR Newswire. A
27 press release is one of the most cost effective ways to supplement notice efforts and
28

1 provide an opportunity for media outlets to pick up the story and post it both to print
2 publications as well as websites. Once live, the press release would be available to
3 media outlets for up to 30 days.

4 Finally, Plaintiff proposes that the Class Notice be mailed, e-mailed, and posted as soon as
5 practicable after this Court approves the Proposed Class Notice Plan. Plaintiff proposes that the
6 “Triggering Date” for Class Notice shall be the date this Court approves the Proposed Class Notice
7 Plan. And Plaintiff proposes the following schedule for the dissemination of the Class Notice and
8 the filing of a list of opt-outs with the Court:

Event	Time
Defendant provides Class counsel with the names, mailing addresses, and e-mail addresses, if available, of any Class members for which it has not already provided such information.	Within 10 days of Triggering Date
Class counsel provides the Notice Administrator with the names, mailing addresses, and e-mail addresses of Class members and authorizes the creation and operation of the dedicated website.	Within 20 days of the Triggering Date
Notice Administrator mails and e-mails Class Notice out to Class members and authorizes issuance of the press release.	Within 30 days of Triggering Date
Last day for opt-outs.	Within 75 days of the Triggering Date
List of opt-outs to be filed with the Court	Within 85 days of the Triggering Date

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21 The list of opt-outs to be filed with the Court will include the name and address of each
22 person who opted out of the Class. This proposed schedule allows Class members who receive the
23 direct notice a minimum of 45 days to opt out.

24 **III. PLAINTIFF’S PROPOSED CLASS NOTICE PLAN SHOULD BE APPROVED.**

25 **A. The Proposed Notice Satisfies the Requirements of Due Process.**

26 In order to protect the rights of the absent Class members, the Court must provide the best
27 notice practicable to Class members. *See Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 812
28

1 (1985). Due process requires that “individual notice must be sent to all class members who can be
2 identified through reasonable effort.” *Eisen v. Carisle & Jacqueline*, 417 U.S. 156, 157 (1974).
3 Here the direct mail notice, in conjunction with the e-mail and Internet notice, accomplishes that.

4 **B. The Proposed Notice Satisfies the Requirement of the California Rules of Court.**

5 California Rules of Court, Rule 3.760, *et seq.*, governs the management of class actions,
6 including the requirement of class notice. Rule 3.766(d) requires the Class Notice to include:

- 7 (1) A brief explanation of the case, including basic contentions or
8 denials of the parties;
- 9 (2) A statement that the court will exclude the member from the
10 class if the member so requests by a specific date;
- 11 (3) A procedure for the member to follow in requesting exclusion
12 from the class;
- 13 (4) A statement that the judgment, whether favorable or not, will
14 bind all member who do not request exclusion; and
- 15 (5) A statement that any member who does not request exclusion
16 may, if the member so desires, enter an appearance through
17 counsel.

18 As set forth in Exhibit A, the Proposed Class Notice sets forth all of the required elements.
19 The proposed Notice contains all of the information necessary to allow Class members to make
20 informed decisions. The Proposed Class Notice states the class definition, a brief overview of the
21 case, the option for any Class member to opt-out and the procedure to do so, a statement that the
22 judgment will be binding on Class members who do not opt-out, and the right of any member who
23 does not opt-out to appear in the case through his or her own lawyer. Also, should additional
24 information be needed, the Proposed Class Notice clearly designates and provides contact
25 information for the Administrator and Class counsel. Thus, the Proposed Class Notice satisfies the
26 requirements of due process and the specific requirements of Rule 3.766(d).

27 **III. CONCLUSION**

28 Plaintiff respectfully requests that the Court approve his Proposed Class Notice Plan.

1 DATED: April 7, 2015

HAGENS BERMAN SOBOL SHAPIRO LLP

2 By: 
3 Elaine T. Byszewski (SBN 222304)
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16 *Attorneys for Plaintiff and the Proposed Class*

EXHIBIT A

**SUPERIOR COURT OF THE STATE
OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES**

***Shawn Reed v. Sunrun Inc.*, Case No. BC498002**

NOTICE OF PENDENCY OF CLASS ACTION

TO: CALIFORNIA CUSTOMERS OF SUNRUN SOLAR POWER SYSTEMS

**PLEASE READ THIS NOTICE CAREFULLY – YOUR RIGHTS MAY BE
AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT**

You are receiving this Notice because your rights may be affected by a class action lawsuit regarding your contract with Sunrun Inc., for the installation of a solar energy system at your home or business. The lawsuit is pending before Judge John Shepard Wiley, Jr. in state court in Los Angeles, California (“Court”). The purpose of this Court-ordered Notice is to inform you how the lawsuit may affect your rights and what steps you may take. This Notice is not an expression by the Court of any opinion as to the merits of any of the claims or defenses asserted by either side in this lawsuit.

Additional copies of this Notice may be found at the website of Plaintiffs’ Counsel at www.hbsslaw.com, or the website of the Notice Administrator at www. .com.

1. Why should I read this notice?

The Court has certified a class in the lawsuit *Shawn Reed v. Sunrun Inc.*, Case No. BC498002 in the Superior Court for the State of California for the County of Los Angeles. The class consists of all persons and entities located in the state of California who entered into a solar power contract with Sunrun prior to February 10, 2012, unless installation of that person’s or entity’s solar power system did not begin until on or after February 10, 2012. You may be a member of this class. You may be entitled to participate in any benefits that may eventually be obtained for the class as a result of this lawsuit. There is, however, no assurance that a judgment in favor of the class will be granted.

This notice provides a summary of the lawsuit. It also describes who is eligible to be included in the class, the effect of participating in this lawsuit as a class member, and how to request exclusion from the class.

2. What is this lawsuit about?

This is a class action lawsuit alleging that defendant Sunrun violated the Contractors’ State License Law, CAL. BUS. & PROF. CODE § 7000, *et seq.*, and the Unfair Competition Law, CAL. BUS. & PROF. CODE § 17200, *et seq.*, by installing solar panels on the roofs of homes since 2007, even though it did not have a license to do so until February 10, 2012.

In a class action, one or more individuals, called Plaintiffs, file suit on behalf of others with similar claims, called “the Class” or “Class Members.” These individuals represent and act on behalf of the class. The Court has appointed Shawn Reed as Representative of the class (“Class Representative”).

The complaint names as defendant Sunrun Inc. (“Defendant”).

2a. Class Representative’s claims.

Plaintiff alleges that prior to February 10, 2012, Defendant was not licensed as a contractor in California to install solar energy systems. Plaintiff further alleges that by entering into contracts for the installation of solar energy systems in homes throughout California before it was licensed to do so,

Defendant violated the Contractors' State License Law, CAL. BUS. & PROF. CODE § 7000, *et seq.*, and the Unfair Competition Law, CAL. BUS. & PROF. CODE § 17200, *et seq.*

2b. Defendant denies liability.

Defendant denies any wrongdoing or liability for the claims alleged. Defendant asserts that it is an electricity provider, not a contractor, and that each of the class members' solar systems were installed by licensed contractors.

3. Who is a class member?

The Court has certified the following class of plaintiffs:

All persons and entities located in the state of California who entered into a solar power contract with Sunrun prior to February 10, 2012, unless installation of that person's or entity's solar power system did not begin until on or after February 10, 2012.

Excluded from this Class are all those who entered into an arbitration agreement with Sunrun that states that it "is governed by the Federal Arbitration Act." Also excluded from the Class are: (1) Defendant; (2) any entity in which Defendant has a controlling interest; (3) Defendant's officers, directors, and employees; (4) Defendant's legal representatives, successors, and assigns; and (5) the Court to which this case is assigned.

4. Who are the lawyers representing the class?

Plaintiff's Counsel, who represents the class in this lawsuit, is the firm Hagens Berman Sobol Shapiro LLP, 1918 Eighth Avenue, Suite 3300, Seattle, Washington 98101. You will not be charged separately for these lawyers. Further information about this case may be obtained from this firm at www.hbsslaw.com. You may also contact Plaintiffs' Counsel at 1-206-623-7292 or 1-213-330-7150.

You may also obtain information about this case by contacting the Notice Administrator at the address, phone number, and website listed in Question 7.

5. How do I participate in this class action?

If you fall within the definition of the class set forth above, you are a class member. **IF YOU WISH TO REMAIN A CLASS MEMBER, YOU DO NOT NEED TO DO ANYTHING AT THIS TIME.** As a class member, you will be bound by any judgment or settlement, whether favorable or unfavorable, in this lawsuit. Thus, you may participate in any monetary settlement or judgment that is favorable to the class. **No judgment or settlement has occurred at this time.** You will also be bound by any unfavorable judgment which may be rendered in favor of Defendant. You may not have the right to seek exclusion from the class at the time of settlement or judgment.

Class Representative and Plaintiff's Counsel represent the class and all of its members. Plaintiff's Counsel has agreed to pursue this lawsuit on a contingent fee basis. All attorneys' fees and expenses will be payable only out of a recovery by the class, if any, and will be subject to approval by the Court. Class members will not have to separately pay lawyers any additional amounts and in no event will individual class members be obligated to pay any judgment, court costs, or lawyers' fees for participating in this lawsuit.

Any class member who does not request exclusion from being a class member may also enter an appearance through their own counsel at their own expense.

6. How do I exclude myself from the class?

If you wish to be excluded from the class, you must submit a request for exclusion by following the instructions in the next paragraph. **IF YOU CHOOSE TO BE EXCLUDED: (1) you will NOT be entitled to share in any recovery from any settlement or judgment that may be paid to class members as a result of trial or other resolution of this lawsuit; (2) you will NOT be bound by any judgment or release entered in this lawsuit; and (3) at your own expense, you MAY pursue any claims that you have by filing litigation.**

To be excluded, you must send a written request for exclusion from class membership to “*Sunrun Licensing Litigation Exclusions*, c/o Gilardi & Co. LLC, P.O. Box _____, Larkspur, CA 94977-6002.” Your request must be **received** by _____, 2015. After that date, you will not have the right to be excluded from class membership. In order to be valid, your request for exclusion must (i) set forth the name and address of the person or entity requesting exclusion, (ii) state that such person or entity requests exclusion from the class in this lawsuit, and (iii) be signed and dated by such person or entity. Requests for exclusion must be mailed to the address provided below.

Only request exclusion if you do NOT wish to participate in this litigation and do NOT wish to share in any potential recovery that might be obtained on behalf of the classes in this lawsuit.

Exclusion requests should be sent to:

Sunrun Licensing Litigation Exclusions
c/o Gilardi & Co. LLC
P.O. Box _____
Larkspur, CA 94977-6002

7. How can I get more information?

This Notice does not fully describe all of the claims and contentions of the parties. The pleadings and other papers filed in this lawsuit are available for inspection, during business hours, at the Los Angeles Superior Court located at Central Civil West Courthouse, 600 South Commonwealth Avenue, Los Angeles California, 90005.

Further information, including the operative complaint and court documents related to the certification of the class, is available at the Notice Administrator’s website, www._____.com. You may also contact the Notice Administrator directly at:

Sunrun Licensing Litigation
c/o Gilardi & Co. LLC
P.O. Box _____
Petaluma, CA 94975-8054
1-888-_____

You may also contact Plaintiffs’ Counsel identified in Question 4 by calling 1-206-623-729 or 1-213-330-7150 or visiting www.hbsslw.com.

Please do not contact the Court for information about this lawsuit.

Date: Los Angeles, California
[Month, date, year]

BY ORDER OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

1 DECLARATION OF SERVICE

2 I, the undersigned, declare:

3 1. That declarant is and was, at all times herein mentioned, a citizen of the United States
4 and a resident of the County of Los Angeles, over the age of 18 years, and not a party to or
5 interested in the within action; that declarant's business address is 301 N. Lake Ave., Suite 203,
6 Pasadena, California 91101.

7 2. That on April 7, 2015, declarant served the **NOTICE OF MOTION AND MOTION**
8 **FOR APPROVAL OF CLASS NOTICE PLAN; MEMORANDUM OF POINTS AND**
9 **AUTHORITIES IN SUPPORT** to the parties as indicated on the attached Service List.

10 3. That there is a regular communication by mail between the place of mailing and the
11 places so addressed.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th
13 day of April, 2015, at Pasadena, California.

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17 Erika Shaw
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1 **SERVICE LIST**

2 *Reed v. SunRun, Inc.*

3 Case No. BC498002

4 Dept. 311 [Hon. John Shepard Wiley, Jr.]

5 Superior Court of the State of California

6 County of Los Angeles

7 Central Civil West

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