

1 Eric J. Benink, Esq., SBN 187434
2 eric@beninkslavens.com
3 BENINK & SLAVENS, LLP
4 8880 Rio San Diego Drive, 8th Floor
5 San Diego, CA 92108
6 (619) 369-5252 (ph)
7 (619) 369-5253 (fax)

8
9 Prescott Littlefield, Esq., SBN 259049
10 pwl@kearneylittlefield.com
11 KEARNEY LITTLEFIELD, LLP
12 655 N. Central Ave, 17th Floor
13 Glendale, CA 91203
14 (213) 473-1900 (ph)
15 (213) 473-1919 (fax)

16 Attorneys for Plaintiff and Settlement Class

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **FOR THE COUNTY OF MONTEREY**

19 RICHARDS J. HEUER III, an individual,
20 on behalf of himself and all others similarly
21 situated,

22 Plaintiff,

23 v.

24 MONTEREY PENINSULA WATER
25 MANAGEMENT DISTRICT, a California
26 public agency; and DOES through 10,

27 Defendants.

28 **CASE NO. 24 CV002642**
Unlimited Jurisdiction

29 **CLASS ACTION**

30 (Case assigned to Hon. Carrie M. Panetta)
31 Dept 14)

32 **DECLARATION OF RICHARDS J.
33 HEUER III IN SUPPORT OF PLAINTIFF'S
34 MOTION FOR ATTORNEY'S FEES,
35 REIMBURSEMENT OF EXPENSES AND
36 SERVICE AWARD**

37 Date: December 19, 2025
38 Time: 8:30 a.m.
39 Dept. 14

40 Complaint Filed: June 25, 2024

1 I, Ricards J. Heuer III, declare as follows:

2 1. I am the named plaintiff in the above-entitled action. I submit this declaration in
3 support of Plaintiff's Motion for Attorney's Fees, Reimbursement of Expenses and Service
4 Award. I have personal knowledge of the facts stated below and if called upon, I could and would
5 testify competently thereto.

6 2. I am the president of the Monterey Peninsula Taxpayers' Association ("MPTA").
7 The MPTA and I have been actively involved in issues pertaining to Ordinance No. 152 adopted
8 by the Monterey Peninsula Water Management District (the "District") in 2012. MPTA and I
9 advocated for sunset provisions of the Water Supply Charge during that legislative process. After
10 failing to convince the District to cease the imposition of the Water Supply Charge in the years
11 after the User Fee was reinstated, MPTA and I retained Benink & Slavens, LLP and Kearney
12 Littlefield, LLP (together as Counsel) to challenge the Water Supply Charge in court through a
13 Petition for Writ of Mandate filed in 2021 (the "2021 Action").

14 3. In the 2021 Action, I reviewed and verified the Petition for Writ of Mandate,
15 closely monitored the proceedings, had regular communications with Counsel, reviewed briefs,
16 and attended court hearings. I also reviewed the appellate briefs and attended the oral argument at
17 the Court of Appeal.

18 4. MPTA and I also served as plaintiffs in three validation actions filed in 2022, 2023,
19 and 2024.

20 5. On December 1, 2023, I submitted, through Counsel, a claim for refunds with the
21 District on behalf of myself and a class of property owners in the County of Monterey who paid
22 the Water Supply Charge from December 1, 2022 forward. After the District rejected the claim, I
23 filed the present class action lawsuit. I have paid the Water Supply Charge at issue in the case
24 since its inception.

25 6. In October 2024, after the opinion in the appeal was issued the 2021 Action,
26 Counsel and the District began discussing the possibility of a global settlement of all the cases. I
27 actively participated with Counsel (via Zoom meetings and emails) in crafting and negotiating
28 settlement terms over the following months.

1 7. I have also monitored the District's board meetings this year to ensure I was up to
2 speed on any developments pertaining to the settlement. I have also responded to inquiries from
3 property owners regarding the settlement.

4 I declare under penalty of perjury under the laws of California that the foregoing is true
5 and correct.

6 Executed on November 20th, 2025 in Monterey, CA.



9 Richards J. Heuer III

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28