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14 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
15 **SAN JOSE DIVISION**

16 THEODORE BROOMFIELD, *et al.*,
17 Plaintiffs,
18 v.
19 CRAFT BREW ALLIANCE, INC., *et al.*,
20 Defendants.

CASE NO.: 5:17-cv-01027-BLF

**DECLARATION OF BRUCE A.
EDWARDS IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: June 13, 2019
Time: 1:30 p.m.
Courtroom: 3 – 5th Floor

DECLARATION OF BRUCE A. EDWARDS

I, Bruce A. Edwards, hereby declare:

1. I am a mediator with JAMS, Inc. based in JAMS' San Francisco office. I am a cofounder of the company and have mediated since 1986. During that time I have mediated over six thousand cases, including matters involving class action settlements. I have attached a copy of my biography detailing my background in Alternative Dispute Resolution.

2. I served as the third-party neutral mediator in this action and submit this declaration in support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement.

3. Based on my extensive experience as a mediator, my detailed discussions with the Parties, and the information provided to me during the settlement negotiations, I believe that the proposed settlement was the result of a fair, vigorous, and arm's length meditated negotiation process. Without waiver of the mediation privilege, I describe in more detail below the reasons for my view.


3. I oversaw two separate mediation sessions between the Parties before a settlement was reached. I was initially approached by counsel for the Parties to serve as a third-party neutral mediator in December 2018. Before the first mediation session, which occurred on January 24, 2019, counsel for the Parties submitted detailed confidential mediation statements outlining the facts and theories of the case, as well as their respective positions, supported by pleadings and documentary exhibits that the Parties had exchanged during discovery and over the course of the litigation.

4. The first mediation session lasted approximately 8 hours. Although a settlement was not reached at the first mediation session, in the weeks following the mediation, I participated in several rounds of conference calls with the Parties, and ultimately, the Parties agreed to reconvene for a second mediation session on March 6, 2019. The Parties submitted additional confidential information prior to the second mediation session. At the conclusion of the second mediation session, which ended after approximately 12 hours of negotiation, the Parties were able to reach a settlement in principle.

1 5. At all times, Plaintiffs' counsel vigorously represented the interests of Plaintiffs
2 and the Class. At no point during or before the first mediation session was the issue of attorneys'
3 fees addressed. In fact, the issue of attorneys' fees was never addressed until all of the class-wide
4 relief, including both the monetary and injunctive relief components of the settlement, had been
5 agreed upon between the Parties at the conclusion of the second mediation session.

6 6. Throughout the mediation process, the Parties engaged in extensive adversarial
7 negotiations during which several difficult factual and legal issues were discussed and resolved
8 between the Parties. The settlement discussions and negotiations before me were well-informed,
9 vigorous, at arm's length, ethical, and in good faith. The outcome of these mediated negotiations is
10 the result of a thorough and arm's length process between highly experienced counsel and
11 informed parties. The final settlement represents the parties' best professional effort and judgment
12 about a fair, reasonable and adequate settlement after thoroughly litigating the case, taking into
13 account, among other things, the strengths and weaknesses of their respective positions on the
14 substantive issues of the case, the risks and costs of continued litigation, and the best interests of
15 their clients.

16 I declare under penalty of perjury under the laws of the United States of America that the
17 foregoing is true and correct. Executed on May 13, 2019 at 5:30 p.m.

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Bruce A. Edwards, Esq.

Case Manager

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Biography

Bruce A. Edwards, Esq. is one of JAMS founding partners and most experienced mediators. Mr. Edwards has served as a mediator, arbitrator and special master since 1986. During that time he has mediated over 7,000 disputes throughout the United States and developed extensive expertise in handling complex, multi-party cases, often involving high emotion.

Mr. Edwards teaches advanced mediation skills to mediators, attorneys, and judges throughout the country and around the world. He frequently writes about the benefits of mediation and has produced online courses on mediation skills and career development.

ADR Experience and Qualifications

- Mediated over 7,000 disputes throughout the United States since 1986; disputes have involved a wide variety of legal issues including construction, engineering and infrastructure, environmental, health care, employment, business/commercial, insurance coverage, mass tort, personal injury and wrongful death.
- Served as Special Master in hundreds of cases involving construction, environmental, and mass tort overseeing pre-trial discovery and trial readiness.
- A leader in ADR, has been recognized by legal organizations with honors and awards including being named "ADR Champion" in 2018 by National Law Journal and "Lawyer of the Year" in Mediation in 2017 by Best Lawyers; also received the prestigious "Jerrold S. Oliver Award of Excellence" from West Coast Casualty Construction Conference in 2007.

Representative Matters

- **Business/Commercial:**
 - Resolved claim filed by plaintiff, a company from Kabul Afghanistan, against defendant U.S. Government for payment of \$3.6m for work performed
 - Successfully resolved a lawsuit by junior partners of a design firm against their partner and company founder
 - Successfully resolved claims brought by Silicon Valley startup against former employee for trade secret infringement
 - Resolved a business loss claim following refrigerant line explosion at production plant, \$22 million settlement
 - Successfully mediated a partnership dissolution, involving allegation of breach of licensing agreement for worldwide distribution of contraceptive device
- **Engineering and Construction:**
 - Resolved dispute for delay and damage cost overruns arising out of contract to construct control flood channel
 - Resolved claim for cost overruns against architect for the remodel and construction of a Synagogue, as a result of alleged changes to applicable occupant load
 - Resolved dispute arising from plaintiffs' claim for construction defects alleging reliance on a negligently prepared geotechnical investigation report
 - Resolved claims arising out of chemical cleaning during new construction of a cooling system resulting in need to replace building cooling towers
 - Mediated dispute between prime contractor and sub-contractors, including insurance carriers and governmental entities, regarding delayed construction of Air Force Base Officers' Quarters due to various construction defects
 - Mediated disputes regarding breach of contract/delay claims followed by counter claims for construction defect involving numerous prime and sub-contractors on such projects as:
 - Sawyer State Office Building in Law Vegas, Nevada
 - Lied Library at University of Nevada at Las Vegas
 - U.S. Veterans Retirement Center in Las Vegas, Nevada
 - McCarran Airport Parking Garage, Las Vegas, Nevada
 - Mediated to resolution breach of contract claim and delay claims between prime contractor and governmental entities regarding construction of waste treatment facility
 - Mediated to settlement dispute between owner of a public housing project and prime/sub-contractors over failed publicly funded retrofit in San Francisco, California
 - Successfully mediated dispute regarding construction of Nevada state water retention pond with polymer lining for breach of contract and counter claims for defective workmanship
 - Successfully mediated infrastructure dispute regarding installation and subsequent collapse of Sony Jumbotron scoreboard at Anaheim Stadium
 - Successfully resolved dispute between general contractor and Georgia State Department of Transportation regarding breach of contract over construction of 50 mile beltway (280) circumventing City of Atlanta
 - Successfully settled breach of contract claim between U.S. Dept. of Transportation and prime contractor regarding construction of 17 miles of new federal highway north of Albuquerque, New Mexico
- **Construction Defect:**
 - **Commercial Buildings**
 - Resolved claims made by plaintiff against defendant alleging defects related to HVAC system at newly constructed police station headquarters
 - Resolved claims involving construction of modular classrooms for City College District; \$5 million
 - Resolved claims involving commercial office building with design and construction defects; \$850,000 settlement
 - Resolved claims of design and construction defects in commercial refrigeration facility
 - Resolved dispute involving public housing project in San Francisco with construction defects; \$13.5 million settlement
 - Resolved matter involving nine apartment buildings with over 3,000 apartments with numerous construction defects; \$40 million settlement

- 3800 single-family homes with underground pipe leaks; \$21.5 million settlement
- **Condominium/Townhouse Projects**
 - Successfully mediated first high-rise hotel/condominium project in Las Vegas
 - Resolved claims made by HOA in a four story, 37 unit residential building, alleging construction defect, which included allegations of mold growth and contamination
 - Resolved matter involving a 720-unit condominium project with numerous construction defects and mold contamination; \$20.5 million settlement
 - Resolved matter involving a 195-unit condominium project with numerous construction defects; settled post-verdict for \$12 million
 - Resolved matter involving a project with 181 condominiums with numerous construction defects, \$4,500,000 settlement
- **Single-Family Home Developments**
 - Resolved matter involving project with 74 single family homes with numerous construction defects, \$5,000,000 settlement
 - Resolved matter involving 173 single-family homes with numerous construction defects; \$10,350,000 settlement
 - Resolved matter involving 376 single-family homes with numerous construction defects and mold related personal injury claims; \$14.75 million settlement
 - Resolved matter involving 300 single-family homes with numerous construction defects
- **Condominium Conversions**
 - Successfully mediated condominium conversion claims involving over 3,000 units in California and Nevada involving claims of fraudulent misrepresentation and construction defect
- **Class Action:**
 - Resolved a class action involving defective pipe fittings in 35,000 homes in Southern Nevada, \$240 million settlement
 - Mediated multiple class actions alleging defective aluminum window and door products involving over 200,000 single- family homes in California
 - Successfully mediated class action with infrastructure issues related to underground/in-wall plumbing leaks in 3,800 single-family homes in Las Vegas, Nevada resulting in a \$21.5 million settlement
- **Employment:**
 - Successfully resolved matter involving claims of hostile work environment brought by women employees of nuclear reactor facility
 - Successfully resolved matter involving claims of sexual assault brought by bank employee against her supervisor
 - Successfully resolved matter involving claims of hostile work environment brought by deputy attorney general against her department supervisor in Anchorage, AK
 - Resolved a case involving a 62-year-old associate general counsel for Fortune 400 Company that brought claims for wrongful termination and age discrimination, settlement terms confidential
- **Environmental:**
 - Successfully mediated ground water contamination case in Phoenix, AZ brought by landowners affected by downstream subsurface plume
 - Successfully mediated matter involving a large commercial building experiencing sick building syndrome
 - Successfully resolved claims brought by homeowners for contamination of homes built on site of former petroleum storage facility
 - Successfully handled case involving a plant explosion that resulted in the release of asbestos over a public marina and surrounding neighborhood; 175 plaintiffs brought claims for personal injury and property damage, settlement terms confidential
- **Insurance**
 - **Bad Faith**
 - Successfully resolved matter involving automobile accident resulting in paraplegic injury to nine-year-old girl
 - Handled claim against carrier for failure to settle within business loss policy limits, \$6.5 million settlement
 - Resolved matter involving bad faith refusal to settle following \$41 million jury verdict in off road motorcycle accident, settlement terms confidential
 - **Fire Loss/Subrogation**
 - Successfully mediated multiple claims following a catastrophic building fire at the San

Francisco Design Center

- Successfully mediated matter involving sparks from a utility line which ignited a fire resulting in the destruction of 200 homes and personal property, \$10 million settlement
- **Reimbursement**
 - Resolved matter where plaintiffs issued insurance policies to insured, a cold storage business and insured hired defendants to design, install and permit an overhead sprinkler system, which allegedly caused the roof of the cold storage business to collapse
- **Construction Insurance Issues**
 - Resolved claims by plaintiff against defendant and its insurance carrier for defense and indemnity arising out of damages to homeowners and the city caused by a broken water main
 - Resolved claims arising from alleged design errors and omissions related to agreement between the parties for upgrades to waste water treatment plant from secondary to tertiary treatment
 - Has handled many cases involving primary and excess insurance coverage, including OCIP, CCIP, and wrap policies; has particular experience with additional insurance, indemnity, and defense reimbursement issue
- **Personal Injury/Torts:**
 - **Product Liability**
 - Has experience with matters involving automobiles (tires, seatbelts, windshield glass, rollovers, crash worthiness), and aviation (airplane and helicopters)
 - Has handled matters involving pharmaceutical products (defective packaging, adverse reaction)
 - Successfully mediated dozens of catastrophic personal injury and wrongful death cases brought against a Fortune 500 manufacturer of farm and logging equipment
 - Resolved matter in which plaintiffs were moving a carport, lifted by a rented crane and during the operation the boom arm of the crane sheared off, and fell onto the carport with plaintiffs underneath
 - Successfully resolved matter involving wrongful death claims brought by parents of 27 year-old son killed in plane crash against the Japanese manufacture of a private aircraft
 - Resolved a matter in which a 14-month-old toddler was killed by ingesting baby oil, settlement terms confidential
 - Successfully mediated a matter involving two Marine Corps pilots killed in crash of "Osprey" tilt rotor helicopter, settlement terms confidential
 - **Premises Liability**
 - Resolved a claim arising from a construction site accident when a large metal door frame fell on plaintiff
 - Resolved claim arising from injuries sustained by plaintiff falling through an open elevator shaft in casino restaurant
 - Successfully resolved matter involving claims arising from sexual assault in underground parking garage
 - Successfully mediated a matter involving claims against owner/operator of alcohol rehabilitation center after resident was stabbed multiple times by intruder
 - Successfully resolved matter involving claims brought by owner of ski resort arising from a snowboarder's death due to a fall into the snowbank
 - Successfully resolved claims following a fall from a Las Vegas resort balcony resulting in paraplegic injury
 - Successfully mediated the then largest personal injury settlement in Maine, involving a worker catastrophically burned in an industrial accident
 - Resolved a case in which a 53-year-old physician died and wife sustained permanent brain injury following carbon monoxide poisoning at resort hotel
 - Successfully mediated case involving a chemical leak from a local oil refinery that resulted in a toxic cloud allegedly causing injury to 132 plaintiff
 - **Other Torts**
 - Successfully resolved matter involving a wrongful death claim against the county jailers brought by family of an inmate who died in police custody
 - Resolved matter where plaintiff sued for false information provided to a potential employer in the form of a written report which allegedly prevented the plaintiff from

being awarded the position

- **Mass Tort and Multi District Litigation**
 - Mediated the first case brought against the manufacturer of a vaginal implant by a woman whose injuries included multiple surgeries secondary to pelvic infection
 - Successfully resolved claims against a foreign manufacturer of defective drywall brought by commercial developer in Miami, FL
- **Abuse**
 - Successfully resolved numerous claims brought against the Catholic Church and archdiocese involving allegations of sexual abuse by priests against parishioners
 - Successfully resolved a matter against an elder care facility brought by family of woman injured in a fall

Honors, Memberships, and Professional Activities

Awards and Profiles

- Recognized as an "ADR Champion," National Law Journal, 2018
- Recognized as "Lawyer of the Year" in Mediation, *Best Lawyers*, 2017
- Recognized as a leading practitioner, Alternative Dispute Resolution Category, *Who's Who Legal: California*, 2014-2018
- Recognized as a "Best Lawyer, Alternative Dispute Resolution Category," *Best Lawyers in America*, 2006-2018
- Recognized as "San Francisco Mediation Lawyer of the Year," *Best Lawyers in America*, 2014
- Recognized as Top California Neutral, *Daily Journal*, 2011-2013
- "A Neutral Pioneer," ADR Profile, *Daily Journal*, June 6, 2011
- Recipient, Jerrold S. Oliver Award of Excellence presented at West Coast Casualty Construction Conference for outstanding contribution to the construction community, 2007

Mediator Trainings

- Edinburgh, Scotland, Seminar on "Turning Ideas into Action", International Academy of Mediators, 2018
- Malibu, CA, "Advanced Mediation for Commercial Mediators," Straus Institute for Dispute Resolution, Pepperdine School of Law, 2010-2015, 2018
- Baltimore, Maryland, Advanced Mediation Training, Straus Institute for Dispute Resolution, Pepperdine School of Law, 2013, 2015, 2018
- Kigali, Rwanda, Mediation Training for Judges, Lawyers & Government Leaders, 2017, 2018
- Vienna, Austria, Mediation Training for Mediators, 2010-2018
- Rome, Italy, ADR Center/ Weinstein JAMS International Fellowship, Middle East Conference, 2017
- Rome, Italy, Mediation Training for Attorneys, ADR Center 2011, 2017
- Rio de Janeiro, Brazil, CBMA's I International Conference on Mediation: "Gained Knowledge and Future Learnings," 2017
- Berlin, Germany, Organization of German Construction & Real Estate Mediations, 2017
- Toronto, Canada, Mediating the Complex Case – Training for Biannual Conference of Academy of Distinguished Neutrals, 2017
- San Francisco, California, Co-Chair, Global Pound Conference, 2017
- Annapolis, Maryland, Mediation Training for Appellate Court Judges, 2017
- Bangalore, India, 40-hour Training for Commercial Mediators, 2013, 2017
- Napa, California, Presenter, Weinstein JAMS International Fellowship program, 2011, 2014-2017
- Nashville, Tennessee, Straus Institute for Dispute Resolution, Pepperdine School of Law/Lipscomb University School of Law "Advanced Mediation for Commercial Mediators," 2016
- Admont, Austria, Presenter, International School on Business Mediation, 2010, 2012, 2014, 2016
- Des Moines, Iowa, Advance Mediation Training for Iowa State Bar Associates, 2016
- Mexico City, Mexico, Mediation Training for Mediators, 2016
- Anaheim, California, Presenter, Construction Defect Seminar, West Coast Casualty, 2011, 2013, 2014, 2015
- San Francisco, California, Presenter, International Academy of Mediators, 2015

- Istanbul, Turkey, Mediation Training for Judges/Attorneys, 2015
- Bangalore, India, Presenter, Private Commercial Mediation Conclave, 2015
- Palo Alto, California, Stanford University Hospital, Mediation Competency Training for Physicians and Nurses, 2014-2015
- Los Angeles, California, Keynote address "The Business of Mediation," International Academy of Mediators, 2014
- San Francisco, California, Presenter, Association for Defense Counsel Annual Meeting, 2013-2014
- Salzburg, Austria, Advanced Mediation Training, Konflikt Kultur, 2013
- Las Vegas, Nevada, Presenter, Construction Roundtable, ABA Construction Section, 2012
- San Francisco, California, Guest Speaker, Mediation Society, 2012
- Shanghai, China, Trainer and Judge, Advanced Negotiation, 2012
- Woodstock, Vermont, Advanced Mediation Training for Attorneys, Straus Institute for Dispute Resolution, Pepperdine School of Law & Vermont School of Law, 2010-2012
- Honolulu, Hawaii, Advanced Mediation Training for Attorneys, Straus Institute for Dispute Resolution, Pepperdine School of Law, 2011
- Cairo, Egypt, Construction Mediation Training, 2011
- Butte County, California, Advanced Mediation Training, Straus Institute for Dispute Resolution, Pepperdine School of Law, 2010
- Los Angeles, California, Advanced Mediation Training – Federal Court, Straus Institute for Dispute Resolution, Pepperdine School of Law, 2010
- Solano County, California, Solano County Bar Association, Mediation Training, 2010
- Kuala Lumpur, Malaysia, Advanced Mediation Training for Attorneys, Straus Institute for Dispute Resolution, Pepperdine School of Law & Kuala Lumpur Center for Arbitration, 2010

Professional Associations

- Distinguished Fellow, International Academy of Mediators
- National Academy of Distinguished Neutrals
- Member, Section of Dispute Resolution, American Bar Association

Background and Education

- Co-Founder, Edwards Mediation Academy, 2013
- Chairman of the Board, JAMS, 2012-2015
- Chief Mediator and Executive Vice President, JAMS/Endispute, 1999
- Co-Founder, JAMS/Endispute, 1994
- Co-Founder, Endispute/ Bates Edwards Group, 1993
- Co-Founder, Bates Edwards Group, 1991
- Litigation Partner, Sedgwick, Detert, Moran & Arnold, San Francisco, CA, 1981-1991
- J. D., Hastings College of Law, 1981
- B.A., Psychology, University of California, Davis, 1978

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