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Attorneys for Plaintiff,

Tranquilino Aguirre

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**TRANQUILINO AGUIRRE,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

**VIVINT SOLAR DEVELOPER,
LLC,**

Defendant.

Case No.: 1:17-cv-1197 LJO (JLT)

**DECLARATION OF MATTHEW M.
LOKER IN RESPONSE TO ORDER
TO SHOW CAUSE [ECF NO. 24]**

HON. JENNIFER L. THURSTON

DECLARATION OF MATTHEW M. LOKER, ESQ.

I, MATTHEW M. LOKER declare:

1. I am one of the attorneys for Plaintiff TRANQUILINO AGUIRRE (“Aguirre”) in this action.
2. If called as a witness, I would competently testify to the matters herein from personal knowledge.
3. I submit this declaration in response to this Court’s Order to Show Cause. [ECF No. 24].
4. As noted by Defendant VIVINT SOLAR DEVELOPER, LLC (“Vivint”), Aguirre has not initiated arbitration. [ECF No. 23].
5. However, Vivint omits that the Parties resolved Aguirre’s claims without the need for arbitration.
6. Said resolution resulted in a Settlement Agreement mutually drafted by the Parties after multiple rounds of revisions.
7. Aguirre’s counsel has continued efforts to finalize the Parties’ Settlement in lieu of initiating arbitration since Aguirre believes the Parties have already resolved Aguirre’s dispute.
8. Moreover, Aguirre has also focused Aguirre’s efforts on settlement prior to initiating arbitration since the filing fees can be thousands of dollars for businesses.
9. Given these factors, I request this Court not issue monetary sanctions.
10. Should the Court determine monetary sanctions are warranted, I request that said sanctions be issued against me personally as opposed to Aguirre or my co-counsel.

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1 I declare under penalty of perjury under the laws of the State of California and
2 those of the United States of America that the foregoing is true and correct, and
3 that this declaration was executed on August 22, 2018 in Arroyo Grande,
4 California.

5
6 /s/ Matthew M. Loker
MATTHEW M. LOKER, ESQ.

7
8 **CERTIFICATE OF SERVICE**

9 A copy of the foregoing *Declaration of Matthew M. Loker in Response to*
10 *Order to Show Cause [ECF No. 24]* has been filed this 22nd day of August 2018,
11 through the Court's electronic filing system. All parties may access the foregoing
12 via the Court's electronic filing system.

13 /s/ Matthew M. Loker
14 Matthew M. Loker

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