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THE WHOLE CHILD - MENTAL HEALTH & HOUSING SERVICES

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

CLAUDIA NUNEZ PORCAYO, on behalf of
herself and on behalf of all persons similarly
situated,

Plaintiffs,

vs.

THE WHOLE CHILD - MENTAL HEALTH
& HOUSING SERVICES, a California
Corporation; and DOES 1-50, Inclusive

Defendants.

CASE NO. 21STCV25160

*[Assigned to Hon. Maren Nelson, Dept. 17,
Spring Street Courthouse]*

**DECLARATION OF CONSTANZA
PACHON IN SUPPORT OF
PRELIMINARY APPROVAL**

*Date Complaint Filed: July 8, 2021
Trial Date: None Set*

I, CONSTANZA PACHON, declare as follows:

1. I am the CEO of Defendant The Whole Child. I am fully familiar with this matter. I submit this Declaration in accordance with the Settlement Agreement and Court Order.

2. I oversaw the preparation of the class list for the sending of notice and calculating the workweeks of the Class Members and “Aggrieved Employees.” The Whole

Child maintains as a regular part of its business employment records that identify the addresses of our employees and time data demonstrating when employees worked.

3. As a result of preparation of the class list, I determined that there were 215 Class Members who worked a total of 14,891 workweeks during the Class Period of July 8, 2017 to May 1, 2022.

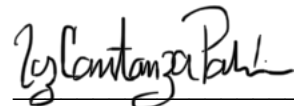
4. The Settlement Agreement has an “escalator” clause that requires Defendant to increase the Gross Settlement Amount (presently \$195,000) by the same percentage as the increase in workweeks beyond 10% of estimated number of workweeks stated in the Settlement Agreement. The escalator clause is triggered if the workweek total increases by more than 10%, or 14,532 ($13,211 * 10\% + 13,211$).

5. There are an additional 359 workweeks ($14,891 - 14,532$), which as a percentage, is a 2.47% increase ($359/14,532$). Thus, the Gross Settlement Amount should be increased from \$195,000 to \$199,817 ($\$195,000 * 2.47\% + 195,000$).

6. The Parties have executed an addendum to the Settlement Agreement modifying the terms of the Settlement Agreement accordingly, which is attached to the Declaration of Matthew T. Theriault.

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

Executed this 14 day of September, 2022 at Whittier, California.



Constanza Pachon
CEO, The Whole Child