

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Eduardo Garcia (State Bar #290572)
Sydney Castillo-Johnson (State Bar #343881)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
egarcia@jcl-lawfirm.com
scastillo@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Julieann Alvarado (State Bar #334727)
5440 Morehouse Dr., Ste 3600
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
julieann@zakaylaw.com

Attorneys for Plaintiff CLAUDIA NUNEZ PORCAYO

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

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

Plaintiffs,

v.

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

Defendants.

Case No. 21STCV25160

[Complaint Filed 07/08/2021]

**DECLARATION OF CLAUDIA NUNEZ
PORCAYO IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY CLASS ACTION
AND PAGA SETTLEMENT APPROVAL**

Hearing Date: August 3, 2022

Hearing Time: 9:00 a.m.

Judge: Maren Nelson

Dept.: 17

1 I, CLAUDIA NUNEZ PORCAYO, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would
3 competently testify to the following facts from my own personal knowledge. I am the lead named
4 Plaintiff in the above wage and hour class action filed against THE WHOLE CHILD – MENTAL
5 HEALTH & HOUSING SERVICES (hereinafter collectively “Defendants”).

6 2. This declaration is being submitted in support of Plaintiff’s motion for Preliminary
7 Approval of Class Action Settlement.

8 3. I believe that I am, have been and will continue to represent the interests of the class
9 fairly and adequately. I have claims that are typical of the claims the Class Members that I am
10 seeking to represent. Specifically, I worked for Defendant since October 2020 at THE WHOLE
11 CHILD – MENTAL HEALTH & HOUSING SERVICES. Throughout my employment,
12 Defendant classified me as a non-exempt employee compensated on an hourly basis, eligible to
13 earn certain non-discretionary compensation, and entitled to legally mandated meal and rest periods
14 and minimum wage and overtime compensation. During my employment, I received an hourly
15 pay plus additional incentive compensation. Accordingly, I am a member of the Settlement Class
16 that I am seeking to represent.

17 4. Additionally, my claims are typical of the claims of the Class Members that I am
18 seeking to represent because I was subject to the same alleged unlawful employment policies and
19 practices at issue in this action, including but not limited to, Defendant’s failure to provide
20 complaint meal and rest periods, failure to accurately calculate the regular rate for purposes of
21 overtime, failure to pay for all hours worked, and failure to reimburse mandatory business
22 expenses. Factually, Defendant’s policies and practices apply class wide, and Defendant’s liability
23 can be determined by facts common to all members of the Class.

24 5. Further, there is no conflict between my interests and the interests of the class that I
25 am seeking to represent. My interests are entirely coextensive with the interests of the Class. I
26 allege that I was injured by the same company-wide policies and practices to which the proposed
27 Class was subjected and seek the same relief. I have already demonstrated my ability to advocate
28 for the interests of the Class by initiating this litigation, undertaking extensive class discovery, and
evaluating the proposed settlement to assure that it is fair.

1 6. Like every other member of the Class, I was employed by Defendant and am a
2 member of the Class. I was subject to the same employment practices affecting all employees
3 concerning overtime rate calculation, and the meal and rest periods, and received similar wage
4 statements. My claims, as well as the claims of all persons similarly situated are all similar in that
5 they are all based on various violations of the California labor code. My claims and the Class
6 Members' claims arise from the same course of conduct by the Defendant, involve the same
7 employment policies, are based on the same legal theories, and are subject to the same defenses. I
8 do not have any conflicts of interest with other class members, and have prosecuted the case
9 vigorously on behalf of the class. I am aware of my duties as the representative of the Class and
10 have actively participated in the prosecution of this case to date. I have communicated with
11 counsel, provided documents to counsel and participated in discovery, investigation and
12 negotiations in the Action. My interests are aligned with those of the Class. Like the rest of the
13 Class Members, I seek monetary relief under the same set of facts and legal theories.

14 7. I understood at the time that I filed this action, that as a Class Representative, I owed
15 a duty to the putative class members to faithfully prosecute this action with their best interests at
16 the forefront of every decision. I understood that I could not make any decision in this action for
17 the sole benefit of my personal interest. I understood that in executing this duty, I might have been
18 asked to sacrifice my personal best interests for the benefit of the interests of the putative class
19 members. Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the
20 broadest possible relief for my former co-workers for what I perceived to be Defendant's unlawful
21 wage and hour practices. I believe that I faithfully executed the duties of a Class Representative
22 throughout this litigation and will continue to do until this litigation is fully and finally resolved.

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8. I believe that the proposed settlement before the Court is fair, reasonable and adequate, and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and humbly, I ask the Court to grant preliminary approval of the Settlement and all of its terms.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Jul 12, 2022, at Downey, California.

By: Claudia Nuñez
Claudia Nuñez (Jul 12, 2022 11:59 PDT)

CLAUDIA NUNEZ PORCAYO