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Attorneys for Plaintiff

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN MATEO

EMILY TOLOSA, on behalf of herself and on
behalf of all persons similarly situated,

Plaintiffs,

v.

KENSINGTON REDWOOD CITY LLC, a
Virginia Limited Liability Company;
KENSINGTON SENIOR LIVING, LLC, a
Virginia Limited Liability Company; and DOES
1-50, Inclusive,

Defendants.

Case No. 21-CV-03030

**DECLARATION OF EMILY TOLOSA IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

Date: September 21, 2023

Time: 2:00 p.m.

Judge: Hon. Susan Greenberg

Department: 3

Trial Date: N/A

Action Filed: June 2, 2021

1 I, EMILY TOLOSA, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the lead named Plaintiff in the
4 above wage and hour Class and PAGA action filed against KENSINGTON REDWOOD CITY, LLC
5 and KENSINGTON SENIOR LIVING, LLC (hereinafter "Defendants").

6 2. I am submitting this declaration in support of Plaintiff's Motion for Preliminary Approval
7 of Class and PAGA Action Settlement.

8 3. I believe that I am, have been and will continue to represent the interests of the class fairly
9 and adequately. I have claims that are typical of the claims the Class Members that I am seeking to
10 represent. Specifically, I worked for Defendants from approximately March 2020 to July 2020 as a
11 non-exempt employee in Redwood City, California. Defendant is a Virginia limited liability company
12 that operates a senior living facility, including in Redwood City, California. As a non-exempt
13 employee compensated on an hourly basis, I was entitled to legally mandated meal and rest periods and
14 minimum wage and overtime compensation. During my employment, Defendant failed to, among
15 other things, provide me with compliant meal and rest periods, pay for all hours worked, issue
16 compliant wage statements and pay all monies owed when due. Throughout my employment, I was
17 subject to Defendant's written policies and procedures.

18 4. My claims are typical of the claims of the Class Members that I am seeking to represent
19 because I was subject to the same alleged unlawful employment policies and practices at issue in this
20 action, including but not limited to, Defendant's failure to provide legally mandated meal and rest
21 periods, failure to pay for all hours worked, failure to provide compliant wage statements and failure
22 to pay all monies owed when due. Factually, Defendant's policies and practices apply class wide, and
23 Defendants' liability 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 am
25 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
26 I was injured by the same company-wide policies and practices to which the proposed Class was
27 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
28 of the Class by initiating this litigation, communicating with class counsel about the claims as they

1 apply to myself and others, undertaking extensive class document evaluation and evaluating the
2 proposed settlement to assure that it is fair.

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

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

15 I declare under the penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct. Executed June 24, 2023, at San Carlos (location/city), California.

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18 By: Emily Tolosa
19 EMILY TOLOSA
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