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Attorneys for Plaintiff EVA YANEZ, on behalf of herself
and all others similarly situated

SUPERIOR COURT OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

EVA YANEZ, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

GARDNER FAMILY HEALTH
NETWORK, INC., a California corporation;
and DOES 1 through 10, Inclusive,

Defendants

Case No. 20CV364033

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Theodore C. Zayner
Department 19

CLASS ACTION

**DECLARATION OF EVA YANEZ IN
SUPPORT OF MOTION FOR AN ORDER
GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Set by September 21, 2023 Order

Date: December 6, 2023

Time: 1:30 p.m.

Dept: 19

Judge: Hon. Theodore C. Zayner

Complaint filed: February 24, 2020

Trial date: Not set

1 I, Eva Yanez, declare as follows:

2 1. I am the Class Representative in this lawsuit. I have personal knowledge of facts
3 in this declaration, and could competently testify to them if called as a witness.

4 2. I am not related to any attorney working on the case, I am not aware of any
5 interests I have averse to any class member's interest, and I have no conflicts that would keep
6 me from adequately representing the class. I have been and remain committed to prosecuting
7 this case vigorously on behalf of the class. I become a representative and named plaintiff in this
8 case to represent other employees who experienced similar violations as me.

9 3. I understand I am eligible for an additional payment for serving as a class
10 representative, and that this payment is subject to Court approval. Considering the time I spent,
11 the risks I took, the work I did, not for myself, but on behalf of other employees, the money
12 those employees will receive from the settlement, and the additional length of time to obtain a
13 class, rather than individual settlement, I believe the requested award of \$5,000 is reasonable

14 4. My attorneys explained the duties of a class representative to me. When I
15 decided to become a class representative, I understood I was not only seeking compensation for
16 myself, but also for others who worked for Gardner. I agreed to do this for the other employees
17 who may not have been aware of their rights, or were afraid to complain to Gardner because
18 they might lose their jobs.

19 5. I understood that a lawsuit could continue for years and require my time and
20 attention during that time. I understood any individual settlement I might receive would be
21 delayed by agreeing to represent a class. I was made aware that as a class representative, I was
22 taking the risk of a judgment for Gardner's legal costs if we lost.

23 6. My attorneys discussed mediation with me to obtain additional information to
24 help prepare a brief and use in negotiations. I made myself available by phone on March 18,
25 2022, the day of mediation, for any questions by my attorneys or the mediator.

26 7. My attorneys did contact me during mediation and advised me of the settlement
27 offer. I agreed it was a good settlement for the class and I reviewed and signed a memorandum
28 of understanding.

9. Throughout my participation in the case, I have kept in constant contact with my attorneys to obtain updates and status reports on the case and settlement.

10. I took my duties and responsibilities as a class representative, seriously and have done all the work asked of me by my attorneys, including staying in regular contact with them.

11. This case has been going on for almost 4 years. It is hard to determine exactly how much time I spent on this case over the past 45 months. For example, I spent a lot of time just reviewing the pros and cons of filing a class action, with my attorneys and on my own, and considering whether I could bear the risks of this lawsuit. I estimate I spent an average of 1-2 hours or a little more each month, or over 50 total hours. Some weeks required much more time than others, particularly during the time before filing the lawsuit, and the time leading up to mediation. I can say that all the time I spent on the case was time I could not spend with family or friends or on other personal activities.

12. I believe the \$5,000 service payment requested is fair and reasonable to compensate me for coming forward on behalf of the Class: (1) agreeing to put my name on this lawsuit and be an active participant; (2) facing possible stigma and prejudice for filing a lawsuit against my former employer; (3) risking a judgment for Gardner's legal costs if we had lost the case; (4) being available by telephone the day of mediation; (5) reviewing and signing the MOU and Settlement Agreement and providing this declaration; (6) spending numerous hours speaking to my attorneys, answering questions, and providing information. I also believe the service payment is fair and reasonable because the time I spent working on this case is time I lost from being with family and friends, and pursuing other interests.

I declare under the penalty of perjury under the laws of the State of California the foregoing is true and correct and this declaration is executed on 11/8/2023,
at San Jose California.


Eva Yanez