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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

10
11 IRIS ASTUDILLO and CRYSTAL DELGADO,) CASE NO.: **20STCV18424**
12 individuals, on behalf of themselves and all)
13 others similarly situated,

14 Plaintiffs,

15 vs.

16 TORRANCE HEALTH ASSOCIATION, INC., a)
17 California Corporation; and DOES 1 through 50,)
18 inclusive,

19 Defendants.

20
21 **DECLARATION OF CRYSTAL**
22 **DELGADO IN SUPPORT OF**
23 **MOTION FOR PRELIMINARY**
24 **APPROVAL OF CLASS**
25 **SETTLEMENT**

Hearing Date: May 25, 2023

Hearing Time: 9:00 a.m.

Judge: Hon. Elihu M. Berle

Dept.: SS

1 I, Crystal Delgado, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I worked for Defendant Torrance Health Association, Inc. ("Torrance Health") in
10 California from November of 2016 to November of 2018. I was classified by Torrance Health as
11 a non-exempt employee during that time period and, as such, Torrance Health was obligated to
12 provide me with compliant meal periods and rest breaks, as well as accurate compensation for all
13 time worked. Also, during the hiring process, I was required to undergo a background check.
14

15 4. I retained the law firm of Blumenthal Nordrehaug Bhowmik De Blouw LLP, who are
16 experienced in class action litigation and claims against employers for violations of the
17 California Labor Code and the Fair Credit Reporting Act. I have no personal relationship or
18 family ties to my attorneys or any officer of the Court. I am not aware of having any actual or
19 potential conflicts of interest with another class member in this case nor am I aware of having
20 any actual or potential conflicts of interest with Phoenix Class Action Administration Solutions,
21 the settlement administrator. I am not aware of any other pending matter or action asserting
22 claims that will be extinguished or adversely affected by this settlement.
23

24 5. I decided to file this class action lawsuit and be a plaintiff/class representative because
25 I felt that my legal rights as an employee and others like me were violated. For example,
26 Torrance Health failed to provide me with accurate compensation for all time worked and failed
27

1 to compensate me for all meal period and rest break violations I suffered. In addition, the pay
2 statements issued to me by Torrance Health were routinely incomplete and inaccurate because,
3 for example, they did not include all the hours I actually worked. Also, during the hiring process,
4 I was required to complete an application and to sign a consent form permitting Torrance
5 Health's agent, a 3rd party, to conduct a background check on me. However, as I have since
6 come to understand, the disclosure forms included extraneous California state law notices and,
7 therefore, rendered the background check non-compliant with the law.
8

9 6. This class action case was filed on May 11, 2020. I joined the action in February of 2022
10 as part of an amended complaint. Before the complaint was filed I spoke to my attorneys several
11 times and discussed how Torrance Health implemented its company policies and procedures. I
12 also assisted my attorneys in their investigation into my claims by providing them documents
13 and answering their questions. I reviewed the complaint before it was filed and after it was filed
14 I was given access to an electronic file sharing program that alerted me via email when important
15 documents were filed so that I could review them and keep up with the developments in the case
16 which I understood was one of my duties as a class representative. I would also contact my
17 attorneys from time to time if I had any questions about the case. In addition, I was deposed for
18 an entire day by Torrance Health on August 11, 2022.
19

20 7. Even though this action is in the process of settling, I was and remain prepared to
21 perform all the duties of a class representative. I understand that as a class representative I have
22 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
23 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
24 benefit of the class members and surrender any right to compromise the group action for an
25 individual gain.
26

8. I understood that being a plaintiff/class representative in this case meant that I was seeking damages not only for myself but also other current and/or former non-exempt employees working for Torrance Health in California and also those prospective or actual employees who had a background check performed on them by Torrance Health. I felt that these individuals were not aware of their labor law rights and even if they were they would probably be apprehensive about speaking up or even simply because of the time, effort and risk involved in filing a class action lawsuit.

9. I understood that being a part of this lawsuit involved risks. For example, my attorneys explained to me that if the case went to trial and we lost, I could be held responsible to pay for all or part of the attorney fees and costs paid by Torrance Health to defend this lawsuit. Also, I knew there was a risk that future employers, if they ever found out about this lawsuit, could hold it against me or downgrade me as a potential hire. As one of only two named Plaintiffs in this case it would not be difficult for a future employer to become aware that I sued a former employer for labor law violations. Ultimately I decided these risks were worth it and decided to fight for my rights and the rights of others regardless of the risks, time and effort I spent on this case.

10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up to date on important developments by reviewing court filings that were made available to me electronically as I described above. I also prepared for and had my deposition taken for an entire day by the attorneys representing Torrance Health.

11. A mediation took place on February 24, 2021 with Jeffrey Krivis, a well-respected and experienced mediator of wage and hour class actions. The case did not settle at the end of the mediation session but settlement negotiations continued and ultimately the parties

1 agreed to settle the action based on a mediator's proposal. I communicated with my attorneys
2 regarding the terms of the settlement which was reached between the parties and understood that
3 I was representing absent class members and therefore wanted the best possible result to be
4 obtained for the class members and I believe a very positive result was in fact achieved via
5 settlement. I reviewed and signed the Memorandum of Understanding on December 15, 2022
6 and when the final settlement papers were ready, I closely reviewed the Settlement Agreement
7 which I signed on March 24, 2023.

9 12. I have been actively involved with this class action lawsuit performing the duties
10 described above. Although I did not keep time records, I was in regular contact with my
11 attorneys, reviewed court filings, and spent a significant amount of time on the issues presented
12 during the lawsuit and in the settlement process. I estimate that I spent approximately 30-40
13 hours working on this case up until this point. I believe I have been diligent and have done what
14 is expected of a named plaintiff and a proposed class representative to date, and will continue to
15 do so. I have and always will maintain the best interest of the class members.

17 13. My attorneys explained to me that the settlement process involves a two-step
18 review by the Court to determine whether the settlement is fair before approving the settlement.
19 I know this process also involves notifying all class members of the settlement terms and of their
20 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
21 settlement.

23 14. I believe I did the right thing by filing this case on behalf of the class members who,
24 subject to court approval, are in line to receive monetary payments as a result of this case and
25 settlement. This is money they may never have ever gotten if I did not pursue this action on their
26 behalf. I feel significant personal satisfaction to know that I played a role in the class members

1 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
2 the requested Class Representative Service Payment of \$10,000 from the settlement is fair
3 compensation for the work I performed and the risks I undertook.

4
5 15. As part of the settlement it was necessary for me to sign a general release of all
6 claims I may have against Torrance Health. I believe the Class Representative Service Payment
7 I have requested provides me with some compensation for this agreed release.

8 16. I have not entered into any undisclosed agreements nor have I received any
9 undisclosed compensation in this case. The only compensation I will receive is whatever amount
10 the Court awards as a service payment, as well as my share as a class member of the settlement
11 fund.

12
13 17. In light of all the time and effort I have spent on this case, the risk I undertook by
14 suing a former employer, the exposure to being responsible for paying Torrance Health's costs in
15 the event we did not win the case, the reputational risk that future employers may hold this
16 lawsuit against me, the general release, and in light of the size of the settlement, I believe the
17 request for \$10,000 as a Class Representative service payment is fair and reasonable.

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

20 Executed on Apr 25, 2023, at Hesperia, CA.
21 (city, state)

22 
23 Crystal Delgado (Apr 25, 2023 09:10 PDT)
24 Crystal Delgado