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TINA CALDERON, and all others similarly situated

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF STANISLAUS**  
12 **(UNLIMITED JURISDICTION)**

13 TINA CALDERON, on behalf of herself and as  
14 an "aggrieved employee" on behalf of other  
15 "aggrieved employees" under the Labor Code  
Private Attorneys General Act of 2004,

16 *Plaintiff,*

17 vs.

18 DAVIS GUEST HOME, INC., a California  
19 corporation; LONNY GENE DAVIS; and DOES  
20 1-50, inclusive,

21 *Defendants.*

Case No. CV-20-001500

**DECLARATION OF TINA  
CALDERON IN SUPPORT OF FIRST  
AMENDED MOTION FOR  
APPROVAL OF PAGA SETTLEMENT**

Hearing Date: October 12, 2022  
Hearing Time: 8:30 a.m.  
Hearing Dept.: 21, The Honorable John  
R. Mayne

Action filed: March 05, 2020  
Trial Date: Not Set



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**ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)**

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1                   **DECLARATION OF TINA CALDERON IN SUPPORT OF FIRST AMENDED**  
2                   **MOTION FOR APPROVAL OF PAGA SETTLEMENT**

3                   I, TINA CALDERON, declares as follows:

4                   1.       I am a resident of the City of Ceres in the State of California and am over 18  
5 years of age. I am the named Plaintiff in this action and am represented by David Spivak of The  
6 Spivak Law Firm and Walter Haines of United Employees Law Group in this action. Except as  
7 otherwise stated, I have personal knowledge of all matters set forth in this declaration and could  
8 and would competently testify thereto if called upon to do so as a witness.

9                   2.       My employment with Davis Guest Home, Inc. began on or about August 16,  
10 2018 and ended on December 19, 2019. I worked for Davis Guest Home, Inc. as a Direct care  
11 provider employee.

12                   3.       I understand that this lawsuit is a Private Attorney General action, otherwise  
13 known as a PAGA lawsuit. I understand that I am the named Plaintiff and that Davis Guest  
14 Home, Inc. and Lonny Gene Davis are the Defendants. I understand that my name is on the  
15 cover of the lawsuit. I understand that I am the representative of other Davis Guest Home, Inc.  
16 employees. As the representative in this lawsuit, I have duties to the State of California and other  
17 employees like me who didn't receive meal periods on time and rest periods in which we could  
18 leave the Davis Guest Home, Inc. worksite. I also understand that my lawsuit is on behalf of the  
19 State of California. I have fairly represented the other employees and the State throughout this  
20 lawsuit.

21                   4.       I was present for the mediation and I participated in it. The mediation ended with  
22 a Settlement Agreement between me, on behalf of the State of California and the other non-  
23 exempt, hourly employees of Davis Guest Home, Inc., and the Defendants. I understand that the  
24 Court will decide whether to approve the Settlement if it is in the best interests of Defendants'  
25 other non-exempt, hourly employees and the State. I don't have any disagreements with the  
26 other Davis Guest Home, Inc. employees I represent. I am not aware of any reason why I can't  
27 make the best decisions for them in this lawsuit.

28                   5.       I understand that my attorneys have asked the Court to pay me \$5,000.00 in  
addition to my share of the Settlement money that the Court will divide among all the employees  
whose rights were violated. I believe this amount is fair for the time I have spent and my  
involvement in this lawsuit. I also believe it is fair because of the risk that the Court could order



1 me to pay Davis Guest Home, Inc.'s court costs if I lose the case. Additionally, I believe it is  
2 fair because I am giving up rights that the other hourly employees are not giving up to settle this  
3 lawsuit.

4 6. As part of this Settlement, I am giving up my right to sue Defendants for  
5 anything. I understand that if I had filed a personal lawsuit that did not involve the other  
6 employees or the State of California, I probably could have settled the case with Defendants  
7 long ago for much more than \$5,000.00 in unpaid wages and monetary penalties. I think it is  
8 fair that the Court pay me the \$10,000.00 award for these reasons and others I list below.

9 7. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would  
10 be the representative of the other non-exempt, hourly employees and the State of California. In  
11 agreeing to be their representative, I agreed that their interests in the lawsuit are as important as  
12 my personal interests in suing Davis Guest Home, Inc. I agreed that when deciding whether or  
13 not to settle this lawsuit, I would do what is in the best interest of the other non-exempt, hourly  
14 employees and the State. I also agreed to actively participate in the lawsuit. I also understand  
15 that there will only be a settlement of the lawsuit if the Court allows it. As the representative of  
16 the other employees and the State of California, I have agreed to follow the progress of the  
17 lawsuit. I have done this since I hired my attorneys by reading the court documents they send  
18 me and by speaking with them over the phone. I understand that, even though I agreed to perform  
19 these tasks and accept these responsibilities, the Court can choose not to pay me any more money  
20 from the Settlement than the other Davis Guest Home, Inc. employees will receive, even though  
21 they have not performed these tasks and accepted these risks and responsibilities. I have spent  
22 over 50.81 hours of my time on activities related to this lawsuit, including reading the court  
23 documents and speaking with my attorneys. Attached as **Exhibit A** to this declaration is a true  
24 and correct copy of a list of the work I have done on this case. It includes estimates of the amount  
25 of time I spent on each task. The work I have done on this case includes hiring my attorneys,  
26 speaking with my attorneys on many occasions by phone, explaining what my employment at  
27 Davis Guest Home, Inc. was like, explaining what my employment at Davis Guest Home, Inc.  
28 had in common with other employees who worked for Davis Guest Home, Inc., helping my  
attorneys find witnesses, documents, and other evidence, explaining my claims to my attorneys,  
attending a full day of mediation, and communicating with my attorneys about the settlement  
agreement and related documents. I have also carefully reviewed the Settlement agreement and



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1 other documents to make sure that the Settlement and other work my attorneys performed are  
2 in the best interests of the employees I represent and the State of California.

3 8. Because I filed this lawsuit, there is a public record at the Court showing my  
4 name on the cover of the complaint for anyone to see. Any potential employer who finds the  
5 lawsuit will know I sued a former employer. This could hurt my reputation. This could prevent  
6 a potential employer from choosing to hire me. An award of \$5,000.00 is not equal to the harm  
I would suffer if I can't find another job in the future.

7 9. Based on the time I have spent on the lawsuit, the risk I will have to pay Davis  
8 Guest Home, Inc. court costs if I lose, the harm to my chances of getting jobs in the future, and  
9 my agreement to give up any personal claims for unpaid wages and monetary penalties I have  
10 against Davis Guest Home, Inc., my request for an award of \$5,000.00 is fair and reasonable.

11 I declare under penalty of perjury of the laws of the State of California that the foregoing  
12 is true and correct to the best of my knowledge.

13 Executed on Thursday, September 08, 2022 in Ceres.

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15 \_\_\_\_\_  
16 TINA CALDERON,  
17 Plaintiff and Declarant  
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# **EXHIBIT A**

CALDERON TIME LOG EXHIBIT

| Approximate Date | Description                                      | Hours |
|------------------|--------------------------------------------------|-------|
| 12/27/2019       | Calls and/or texts with law firm                 | 1.00  |
| 1/17/2020        | Calls and/or texts with law firm                 | 0.58  |
| 1/28/2020        | Calls and/or texts with law firm                 | 0.08  |
| 1/31/2020        | Reviewing documents:<br>Retainer/FAQ             | 1.00  |
| 1/31/2020        | Reviewing documents: Other docs<br>from law firm | 0.25  |
| 2/3/2020         | Calls and/or texts with law firm                 | 0.25  |
| 2/4/2020         | Calls and/or texts with law firm                 | 0.25  |
| 2/27/2020        | Reviewing documents: Other docs<br>from law firm | 1.00  |
| 3/5/2020         | Reviewing documents: Complaint                   | 1.25  |
| 3/12/2020        | Emails to/from law firm                          | 0.08  |
| 3/24/2020        | Emails to/from law firm                          | 0.08  |
| 3/26/2020        | Calls and/or texts with law firm                 | 0.25  |
| 3/26/2020        | Reviewing documents: Other docs<br>from law firm | 0.17  |
| 4/3/2020         | Emails to/from law firm                          | 0.08  |
| 4/6/2020         | Emails to/from law firm                          | 0.08  |
| 4/15/2020        | Emails to/from law firm                          | 0.08  |
| 4/21/2020        | Calls and/or texts with law firm                 | 0.25  |
| 4/21/2020        | Emails to/from law firm                          | 0.08  |
| 4/21/2020        | Emails to/from law firm                          | 0.08  |
| 4/21/2020        | Emails to/from law firm                          | 0.17  |
| 5/13/2020        | Reviewing documents: Complaint                   | 1.00  |
| 6/18/2020        | Reviewing documents: Other docs<br>from law firm | 0.25  |
| 6/18/2020        | Reviewing documents: Other docs<br>from law firm | 0.17  |
| 6/22/2020        | Emails to/from law firm                          | 0.08  |
| 6/22/2020        | Reviewing documents: Other docs<br>from law firm | 0.25  |
| 6/26/2020        | Reviewing documents: Other docs<br>from law firm | 0.17  |
| 6/26/2020        | Reviewing documents: Other docs<br>from law firm | 0.17  |
| 6/26/2020        | Reviewing documents: Other docs<br>from law firm | 0.17  |
| 7/30/2020        | Calls and/or texts with law firm                 | 0.25  |
| 7/31/2020        | Calls and/or texts with law firm                 | 0.08  |
| 8/3/2020         | Reviewing documents: Other docs<br>from law firm | 0.17  |

CALDERON TIME LOG EXHIBIT

| Approximate Date | Description                                   | Hours |
|------------------|-----------------------------------------------|-------|
| 8/11/2020        | Reviewing documents: Other docs from law firm | 0.17  |
| 8/12/2020        | Emails to/from law firm                       | 0.08  |
| 8/17/2020        | Calls and/or texts with law firm              | 0.25  |
| 9/20/2020        | Calls and/or texts with law firm              | 1.00  |
| 9/23/2020        | Contacting witness(es)                        | 1.00  |
| 9/23/2020        | Gathering information and/or documents        | 1.00  |
| 9/28/2020        | Emails to/from law firm                       | 0.08  |
| 9/28/2020        | Reviewing documents: Other docs from law firm | 0.17  |
| 1/15/2021        | Reviewing documents: Other docs from law firm | 0.25  |
| 1/21/2021        | Reviewing documents: Other docs from law firm | 0.17  |
| 1/25/2021        | Calls and/or texts with law firm              | 0.75  |
| 1/26/2021        | Reviewing documents: Other docs from law firm | 0.17  |
| 1/26/2021        | Calls and/or texts with law firm              | 0.50  |
| 2/1/2021         | Calls and/or texts with law firm              | 0.42  |
| 2/4/2021         | Reviewing documents: Other docs from law firm | 0.17  |
| 2/5/2021         | Emails to/from law firm                       | 0.08  |
| 2/5/2021         | Calls and/or texts with law firm              | 0.08  |
| 2/8/2021         | Calls and/or texts with law firm              | 0.50  |
| 2/9/2021         | Reviewing documents: Other docs from law firm | 0.50  |
| 2/10/2021        | Calls and/or texts with law firm              | 0.25  |
| 2/10/2021        | Calls and/or texts with law firm              | 0.08  |
| 2/11/2021        | Calls and/or texts with law firm              | 0.50  |
| 2/11/2021        | Calls and/or texts with law firm              | 0.25  |
| 2/11/2021        | Reviewing documents: Other docs from law firm | 0.17  |
| 2/11/2021        | Reviewing documents: Other docs from law firm | 0.08  |
| 2/12/2021        | Calls and/or texts with law firm              | 0.25  |
| 2/16/2021        | Reviewing documents: Other docs from law firm | 1.00  |
| 2/18/2021        | Emails to/from law firm                       | 0.08  |
| 2/19/2021        | Mediation: participation time                 | 7.50  |
| 2/19/2021        | Reviewing documents: Other docs from law firm | 0.50  |
| 3/3/2021         | Reviewing documents: Other docs from law firm | 0.25  |

CALDERON TIME LOG EXHIBIT

| Approximate Date | Description                                   | Hours |
|------------------|-----------------------------------------------|-------|
| 3/5/2021         | Reviewing documents: Other docs from law firm | 0.17  |
| 3/15/2021        | Emails to/from law firm                       | 0.08  |
| 5/7/2021         | Emails to/from law firm                       | 0.17  |
| 6/5/2021         | Reviewing documents: Other docs from law firm | 1.25  |
| 7/1/2021         | Calls and/or texts with law firm              | 0.08  |
| 7/7/2021         | Calls and/or texts with law firm              | 1.50  |
| 7/14/2021        | Reviewing documents: Other docs from law firm | 0.17  |
| 7/16/2021        | Calls and/or texts with law firm              | 0.25  |
| 7/20/2021        | Reviewing documents: Other docs from law firm | 0.25  |
| 7/21/2021        | Calls and/or texts with law firm              | 0.17  |
| 7/27/2021        | Reviewing documents: Other docs from law firm | 0.17  |
| 7/30/2021        | Calls and/or texts with law firm              | 1.00  |
| 8/2/2021         | Reviewing documents: Other docs from law firm | 0.17  |
| 8/3/2021         | Emails to/from law firm                       | 0.08  |
| 8/4/2021         | Emails to/from law firm                       | 0.25  |
| 9/2/2021         | Calls and/or texts with law firm              | 0.17  |
| 9/10/2021        | Reviewing documents: Other docs from law firm | 0.25  |
| 9/10/2021        | Calls and/or texts with law firm              | 0.17  |
| 9/13/2021        | Calls and/or texts with law firm              | 0.25  |
| 9/15/2021        | Calls and/or texts with law firm              | 0.17  |
| 9/15/2021        | Reviewing documents: Other docs from law firm | 0.17  |
| 9/23/2021        | Calls and/or texts with law firm              | 0.08  |
| 9/23/2021        | Reviewing documents: Other docs from law firm | 0.50  |
| 9/28/2021        | Emails to/from law firm                       | 0.08  |
| 10/1/2021        | Reviewing documents: Other docs from law firm | 1.00  |
| 10/5/2021        | Calls and/or texts with law firm              | 0.50  |
| 10/5/2021        | Reviewing documents: Other docs from law firm | 1.00  |
| 10/13/2021       | Calls and/or texts with law firm              | 0.25  |
| 10/13/2021       | Emails to/from law firm                       | 0.08  |
| 10/18/2021       | Emails to/from law firm                       | 0.08  |
| 10/18/2021       | Calls and/or texts with law firm              | 0.50  |
| 10/18/2021       | Reviewing documents: Other docs from law firm | 1.25  |
| 10/19/2021       | Emails to/from law firm                       | 0.08  |

CALDERON TIME LOG EXHIBIT

| Approximate Date | Description                                   | Hours |
|------------------|-----------------------------------------------|-------|
| 10/29/2021       | Calls and/or texts with law firm              | 0.08  |
| 10/29/2021       | Emails to/from law firm                       | 0.08  |
| 10/29/2021       | Reviewing documents: Other docs from law firm | 0.25  |
| 11/1/2021        | Reviewing documents: Other docs from law firm | 1.25  |
| 11/2/2021        | Calls and/or texts with law firm              | 0.17  |
| 11/8/2021        | Calls and/or texts with law firm              | 0.17  |
| 11/12/2021       | Reviewing documents: Other docs from law firm | 0.50  |
| 11/12/2021       | Calls and/or texts with law firm              | 0.25  |
| 11/12/2021       | Reviewing documents: Other docs from law firm | 0.50  |
| 12/3/2021        | Calls and/or texts with law firm              | 0.08  |
| 12/3/2021        | Emails to/from law firm                       | 0.08  |
| 12/7/2021        | Emails to/from law firm                       | 0.08  |
| 12/16/2021       | Calls and/or texts with law firm              | 0.08  |
| 12/16/2021       | Emails to/from law firm                       | 0.08  |
| 12/20/2021       | Calls and/or texts with law firm              | 0.08  |
| 12/20/2021       | Emails to/from law firm                       | 0.08  |
| 12/21/2021       | Reviewing documents: Other docs from law firm | 0.17  |
| 1/5/2022         | Calls and/or texts with law firm              | 0.08  |
| 1/12/2022        | Calls and/or texts with law firm              | 0.08  |
| 1/19/2022        | Emails to/from law firm                       | 0.08  |
| 1/20/2022        | Emails to/from law firm                       | 0.08  |
| 1/27/2022        | Calls and/or texts with law firm              | 0.08  |
| 2/8/2022         | Calls and/or texts with law firm              | 0.08  |
| 2/15/2022        | Calls and/or texts with law firm              | 0.08  |
| 2/22/2022        | Emails to/from law firm                       | 0.08  |
| 2/24/2022        | Emails to/from law firm                       | 0.08  |
| 2/24/2022        | Calls and/or texts with law firm              | 0.08  |
| 2/24/2022        | Emails to/from law firm                       | 0.08  |
| 3/1/2022         | Calls and/or texts with law firm              | 0.08  |
| 3/10/2022        | Emails to/from law firm                       | 0.08  |
| 3/15/2022        | Calls and/or texts with law firm              | 0.08  |
| 3/22/2022        | Emails to/from law firm                       | 0.08  |
| 3/22/2022        | Emails to/from law firm                       | 0.08  |
| 3/28/2022        | Emails to/from law firm                       | 0.08  |
| 3/28/2022        | Reviewing documents: Other docs from law firm | 0.50  |
| 3/28/2022        | Reviewing documents: Other docs from law firm | 0.25  |
| 3/28/2022        | Emails to/from law firm                       | 0.08  |
| 4/5/2022         | Calls and/or texts with law firm              | 0.17  |

CALDERON TIME LOG EXHIBIT

| Approximate Date | Description                                   | Hours        |
|------------------|-----------------------------------------------|--------------|
| 4/11/2022        | Calls and/or texts with law firm              | 0.25         |
| 4/11/2022        | Reviewing documents: Settlement Agreement     | 1.00         |
| 4/12/2022        | Reviewing documents: Other docs from law firm | 0.17         |
| 4/15/2022        | Emails to/from law firm                       | 0.08         |
| 5/5/2022         | Reviewing documents: Other docs from law firm | 0.25         |
| 5/5/2022         | Calls and/or texts with law firm              | 0.08         |
| 5/16/2022        | Reviewing documents: Other docs from law firm | 0.25         |
| 5/16/2022        | Calls and/or texts with law firm              | 0.17         |
| 5/16/2022        | Emails to/from law firm                       | 0.08         |
| 6/2/2022         | Reviewing documents: Other docs from law firm | 0.25         |
| 6/13/2022        | Reviewing documents: Other docs from law firm | 0.08         |
| 6/14/2022        | Reviewing documents: Other docs from law firm | 0.33         |
| 6/14/2022        | Calls and/or texts with law firm              | 0.08         |
| 6/16/2022        | Reviewing documents: Other docs from law firm | 0.08         |
| 7/13/2022        | Calls and/or texts with law firm              | 0.25         |
| 7/14/2022        | Reviewing documents: Other docs from law firm | 0.08         |
| 8/4/2022         | Reviewing documents: Other docs from law firm | 0.08         |
| 8/4/2022         | Calls and/or texts with law firm              | 0.25         |
| 8/5/2022         | Calls and/or texts with law firm              | 0.17         |
| 8/22/2022        | Calls and/or texts with law firm              | 0.08         |
|                  | <b>TOTAL</b>                                  | <b>50.81</b> |