

1 DAVID G. SPIVAK (SBN 179684)
david@spivaklaw.com
2 CAROLINE TAHMASSIAN (SBN 285680)
caroline@spivaklaw.com
3 CHRISTINA PREJEAN (SBN 314772)
christina@spivaklaw.com
4 THE SPIVAK LAW FIRM
5 8605 Santa Monica Bl
PMB 42554
6 West Hollywood, CA 90069
7 Telephone: (213) 725-9094
Facsimile: (213) 634-2485
8
9 Attorneys for Plaintiff,
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
MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

Hearing Date: June 14, 2022
Hearing Time: 8:30 a.m.
Hearing Dept.: 21, The Honorable John
R. Mayne

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



24 **SPIVAK LAW**
Employee Rights Attorneys

25 Mail:
8605 Santa Monica Bl
PMB 42554
26 West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

27 Office:
15303 Ventura Bl
Ste 900
28 Sherman Oaks, CA 91403

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ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

WALTER L. HAINES (SBN 71075)
 walter@uelglaw.com
UNITED EMPLOYEES LAW GROUP
4276 Katella Ave
Suite 301
Los Alamitos, CA 90720
Telephone: (562) 256-1047
Facsimile: (562) 256-1006

Attorneys for Plaintiff(s),
TINA CALDERON, and all others similarly situated



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1 **DECLARATION OF TINA CALDERON IN SUPPORT OF MOTION FOR**
2 **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 Plaintiff and that Davis Guest Home, Inc.
14 and Lonny Gene Davis are the Defendants. I understand that my name is on the cover of the
15 lawsuit. I understand that I am the representative of other Davis Guest Home, Inc. employees.
16 As the representative in this lawsuit, I have duties to the State of California and other employees
17 like me who didn't receive meal periods on time and rest periods in which we could leave the
18 Davis Guest Home, Inc. worksite. I also understand that my lawsuit is on behalf of the State of
19 California. I have fairly represented the other employees and the State throughout this lawsuit.

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

27 5. I understand that my attorneys have asked the Court to pay me \$10,000.00 in
28 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
me to pay Davis Guest Home, Inc.'s court costs if I lose the case. Additionally, I believe it is



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1 fair because I am giving up rights that the other hourly employees are not giving up to settle this
2 lawsuit.

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

8 7. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would
9 be the representative of the other non-exempt, hourly employees and the State of California. In
10 agreeing to be their representative, I agreed that their interests in the lawsuit are as important as
11 my personal interests in suing Davis Guest Home, Inc. I agreed that when deciding whether or
12 not to settle this lawsuit, I would do what is in the best interest of the other non-exempt, hourly
13 employees employees and the State. I also agreed to actively participate in the lawsuit by
14 answering questions and requests for documents and other evidence by my attorneys and Davis
15 Guest Home, Inc.'s attorneys. I understand that this process is known as "discovery." I
16 understand that I also agreed to be interviewed under oath by the attorneys for Davis Guest
17 Home, Inc. I understand that this process is known as a "deposition." As the representative of
18 the other non-exempt, hourly employees and the State of California, I have agreed to travel to
19 the Court and to the offices of the lawyers for Davis Guest Home, Inc. to testify about the case.
20 I also understand that there will only be a settlement of the lawsuit if the Court allows it. As the
21 representative of the other employees and the State of California, I have agreed to follow the
22 progress of the lawsuit. I have done this since I hired my attorneys by reading the court
23 documents they send me and by speaking with them over the phone. I understand that, even
24 though I agreed to perform these tasks and accept these responsibilities, the Court can choose
25 not to pay me any more money from the Settlement than the other Davis Guest Home, Inc.
26 employees will receive, even though they have not performed these tasks and accepted these
27 risks and responsibilities. I have spent over 48.25 hours of my time on activities related to this
28 lawsuit, including reading the court documents and speaking with my attorneys. Attached as
Exhibit A to this declaration is a true and correct copy of a list of the work I have done on this
case. It includes estimates of the amount of time I spent on each task. The work I have done on
this case includes hiring my attorneys, speaking with my attorneys on many occasions by phone,



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1 explaining what my employment at Davis Guest Home, Inc. was like, explaining what my
2 employment at Davis Guest Home, Inc. had in common with other employees who worked for
3 Davis Guest Home, Inc., helping my attorneys find witnesses, documents, and other evidence,
4 explaining my claims to my attorneys, attending a full day of mediation, and communicating
5 with my attorneys about the settlement agreement and related documents. I have also carefully
6 reviewed the Settlement agreement and other documents to make sure that the Settlement and
7 other work my attorneys performed are in the best interests of the employees I represent and the
8 State of California.

8 8. Because I filed this lawsuit, there is a public record at the Court showing my
9 name on the cover of the complaint for anyone to see. Any potential employer who finds the
10 lawsuit will know I sued a former employer. This could hurt my reputation. This could prevent
11 a potential employer from choosing to hire me. An award of \$10000.00 is not equal to the harm
12 I would suffer if I can't find another job in the future.

13 9. Based on the time I have spent on the lawsuit, the risk I will have to pay Davis
14 Guest Home, Inc. court costs if I lose, the harm to my chances of getting jobs in the future, and
15 my agreement to give up any personal claims for unpaid wages and monetary penalties I have
16 against Davis Guest Home, Inc., my request for an award of \$10000.00 is fair and reasonable.

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

19 Executed on Monday, May 16, 2022 in Ceres, California.

20 

21 TINA CALDERON,
22 Plaintiff and Declarant
23



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EXHIBIT A

CALDERON TIME LOG

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: Retainer/FAQ	1.00
1/31/2020	Reviewing documents: Other docs 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 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 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 from law firm	0.25
6/18/2020	Reviewing documents: Other docs from law firm	0.17
6/22/2020	Emails to/from law firm	0.08
6/22/2020	Reviewing documents: Other docs from law firm	0.25
6/26/2020	Reviewing documents: Other docs from law firm	0.17
6/26/2020	Reviewing documents: Other docs from law firm	0.17
6/26/2020	Reviewing documents: Other docs 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 from law firm	0.17

CALDERON TIME LOG

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
3/5/2021	Reviewing documents: Other docs from law firm	0.17
3/15/2021	Emails to/from law firm	0.08

CALDERON TIME LOG

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
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

CALDERON TIME LOG

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
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

CALDERON TIME LOG

	TOTAL	48.25
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