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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

SAKHOEUTH “KURT” SAO, individually
and on behalf of all others similarly situated,

Plaintiff,

vs.

AUTOMATED GATE SERVICES, INC., a
California corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. RIC2001904

[Assigned for all purposes to the Hon. Sunshine
S. Sykes, Dept. 6]

**DECLARATION OF JOAN GRAFF ON
BEHALF OF LEGAL AID AT WORK**

Date: October 20, 2021
Time: 8:30 A.M.
Dept.: 6

Complaint Filed: June 1, 2020
Trial Date: None Set

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1 failure to comply with equal pay laws and family medical leave laws. Whether in state or
2 federal court, at the trial level or on appeal, nearly all of LAAW's cases impact the law
3 and industry practices, raise community awareness, and change the course the clients'
4 lives.

5 8. Since 1970, LAAW has defined its mission and devoted its practice to representing low-
6 wage workers in enforcing the full range of their employment rights. I am informed and
7 believe that LAAW is one of very few legal services nonprofits in the country that has
8 this singular purpose.

9 9. With 22 attorneys, along with attorneys who serve as special counsel, LAAW provides
10 services to low-wage employees statewide and, in select instances, nationwide. LAAW's
11 clients work in sectors in which low-wage work predominates, including caregiving,
12 construction, hospitality, landscaping, retail, and transportation, as well as domestic,
13 food, and janitorial services. Many of LAAW's clients are immigrants, and a significant
14 number of them are monolingual Spanish, Mandarin, or Cantonese speakers or have
15 limited English proficiency.
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17 10. A few of the wage-and-hour cases LAAW has litigated include: (1) a statewide putative
18 class action against a major department store chain to stop the company's unlawful
19 practice of intimidating its employees into indemnifying it for ordinary business losses;
20 (2) a statewide wage-and-hour class action on behalf of approximately 650 carpet
21 installers who were allegedly misclassified as independent contractors, which ultimately
22 resulted in a settlement fund of over \$3.5 million being distributed to class members who
23 filed a claim; (3) a statewide class action on behalf of approximately 2,900 caregivers,
24 against one of the largest healthcare companies in the country, alleging non-payment of
25 wages and overtime and failure to provide meal and rest periods in facilities, which
26 ultimately settled for nearly \$2.5 million; (4) a statewide wage-and-hour class and
27 collective action, brought by approximately 500 asbestos workers against an Orange
28 County company, which ultimately settled for approximately \$1.5 million; and (5) a

1 putative wage-and-hour and labor trafficking class action on behalf of janitors who were
2 allegedly misclassified as independent contractors and required to purchase a franchise,
3 often resulting in indebtedness and pay below the minimum wage, which resolved in a
4 confidential settlement between the parties.

5 11. In addition to litigating cases, LAAW represents clients in administrative proceedings
6 before state agencies including the California Labor Commissioner (“Labor
7 Commissioner”) and the California Unemployment Insurance Appeals Board
8 (“CUIAB”).

9 12. LAAW has represented clients in wage-and-hour proceedings, including:

10 a. An older, immigrant Latino male who was hired to guard a
11 construction site for a concrete company. While he was promised \$100 per week,
12 he was not paid at all. He worked at the construction site, handling everything
13 related to the tools and equipment. He lived onsite in a shack he built himself
14 from leftover materials, with no running water and no electricity. LAAW helped
15 him file his wage claim, and represented him through his two-day, highly
16 contentious Labor Commissioner hearing, which resulted in an Order, Decision or
17 Award for almost \$200,000.

18 b. Four Mandarin-speaking construction workers who were not paid
19 for the work they performed in remodeling a restaurant in San Jose. LAAW
20 obtained a settlement of \$60,000 for the workers.

21 c. An African American domestic worker in El Cerrito who was not
22 paid the minimum wage for all hours he worked. In addition, his employer
23 unlawfully deducted rent from his paycheck. The case settled for \$34,549 – nearly
24 100 percent of his claim.

25 d. A Filipino caregiver who worked in a private home in San
26 Francisco who was only paid \$10 per hour (well below the San Francisco
27 minimum wage) and not paid any overtime, despite working nearly around-the-
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1 clock. The client was fired after she asked her employer for a W-2 instead of a
2 1099 tax form. LAAW secured a \$121,000 settlement for the client.

3 e. Three Bay Area limousine drivers who were not paid for the time
4 they were required to report to the office in the morning and afternoon, not paid
5 the lawful minimum wage when working in cities with local minimum wages, and
6 not provided meal and rest breaks. The case settled for a confidential amount.

7 f. A domestic worker recruited from Mexico to work as a nanny and
8 housecleaner for a family of four in the South Bay. She was promised an hourly
9 salary but was ultimately not paid, as her employers decided that the room and
10 board they provided was enough. LAAW represented her, a survivor of labor
11 trafficking, through the Labor Commissioner process, resulting in a settlement of
12 \$20,000.

13 g. A Filipino caregiver who worked in a residential care facility,
14 who was paid \$60 a day, despite working and being available to work 24-hour
15 shifts, well below the state minimum wage. LAAW represented her through the
16 Labor Commissioner process, settling the case on the eve of hearing for \$25,750.

17 h. A refugee from Uganda who suffered wage theft after arriving in
18 the U.S. and working as a domestic worker for a family. She had been promised a
19 rate of \$1000 per month for cleaning and providing child care, but ultimately was
20 not paid at all, despite working seven days a week, approximately 14-hour days
21 for over a year. LAAW represented her through the Labor Commissioner process
22 in San Diego, which resulted in a judgment of \$177,000.

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24 13. LAAW holds Wage Rights Clinics onsite, once a month, at each of the Labor
25 Commissioner's offices in Oakland, San Francisco and most recently, Santa Rosa. The
26 Clinics help low-wage workers assess their claims for unpaid wages, calculate the amount
27 of unpaid wages, and prepare the forms necessary to initiate wage claims before the
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1 Labor Commissioner. In 2017-2020, the Clinic assisted over 450 clients, including many
2 immigrants with limited English proficiency.

3 14. The Wage Protection Program also represents clients at conferences and hearings before
4 the Labor Commissioner. In 2017-2020, the Wage Protection Program represented 105
5 workers before the Labor Commissioner's Wage Adjudication Unit, securing
6 \$753,997.45 in settlements and \$667,745.22 in Labor Commissioner awards for wages
7 owed, penalties, and other available relief.

8 15. Additionally, LAAW's Community Legal Services Program provides advice and
9 counseling to low-wage workers on the full range of employment law issues they face
10 through fourteen statewide Workers' Rights Clinic locations: Antioch, Berkeley, East
11 Palo Alto, Fresno, Los Angeles, Merced, Ontario, Sacramento, San Bernardino, San
12 Diego, San Francisco, Santa Ana, Visalia, and Watsonville. The Community Legal
13 Services Program also participates at times in a "Mobile Workers' Rights Clinic," where
14 law students and LAAW attorneys travel to ex-urban and rural sites throughout California
15 to provide basic employment-related legal services. Finally, Community Legal Services
16 Program volunteers respond to calls on the Clinic's toll-free hotline that makes LAAW's
17 services accessible to low-wage workers in more remote areas that are beyond the reach
18 of Clinic sites.

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20 16. During the academic year, LAAW also holds a biweekly Workers' Rights Disability Law
21 Clinic at the Ed Roberts Campus located in Berkeley, California. The clinic provides free
22 legal counseling, advice, referrals, and limited representation to low-income workers and
23 job-seekers with disabilities.

24 17. In 2016-2020, LAAW's Workers' Rights Clinic assisted over 11,838 low-wage workers
25 from all 52 counties throughout California, including over 138 workers from Riverside
26 County.

27 18. LAAW also represents workers with unemployment insurance claims at the California
28 Unemployment Insurance Appeals Board. In 2017-2020, LAAW represented 68 clients in

administrative appeals from denials of unemployment benefits with an over 95% success rate in overturning denials and securing benefits or reversing overpayments.

19. LAAW is committed to serving those whose primary language is not English. LAAW employs multiple bilingual attorneys and other staff who are fluent in English and Spanish, and a language coordinator who is fluent in Mandarin and Cantonese. The language coordinator also ensures that interpreters are available when LAAW lacks in-house language capacity. LAAW also publishes translated versions of its fact sheets and other legal information on its website in Spanish and Chinese. These tools enhance the reach of LAAW to workers around the state.

20. As part of LAAW's statewide activities, its staff engages in extensive outreach, education, and training initiatives to inform low-wage workers and their communities, grassroots advocates, and nonprofits organizations—legal and non-legal—about workplace rights. In particular, LAAW:

a. Writes a regular employment rights column in the weekly Northern and Southern California editions of *Sing Tao*, a Chinese newspaper with wide circulation in the community;

b. Conducts trainings for domestic violence survivors and service providers about employment law protections available to survivors;

c. Provides periodic trainings at the University of California, San Francisco Medical Center for cancer patients and their caregivers; and

d. Provides trainings in collaboration with Swords to Plowshares focused on women veterans and employment.

21. To extend its expertise beyond its doors, LAAW composes and distributes a wide range of self-help and informational materials including: (a) 90 topic-specific "Your Legal Rights" fact sheets, which are drafted in plain language and nearly all translated into Chinese and Spanish for use by workers and advocates; (b) the Employment Law Manual, a complete compendium of California employment laws used as a basic resource

1 and reference tool by students, attorneys and nonprofit organizations around the state; and
2 (c) a website providing workplace know-your-rights information.

3 22. LAAW also offers its expertise to other nonprofit organizations—legal and non-legal.

4 For example, as part of the Coalition of Low-Wage and Immigrant Worker Advocates,
5 LAAW participates in an annual conference, monthly conference calls, and regular
6 meetings with administrative agencies such as the Labor Commissioner and the CUIAB.
7 In addition, LAAW is a leading member of the statewide Work and Family Coalition, a
8 member of the nationwide Freedom Network, the largest coalition working to ensure that
9 trafficked persons have access to justice, safety, and the San Francisco’s Mayor’s Anti-
10 Human Trafficking Taskforce. Finally, LAAW works closely with the Inland Empire
11 Fair Chance Coalition and has advised them on several Fair Chance cases filed at the
12 California Department of Fair Employment and Housing and has hosted several trainings
13 with the Coalition.

14 23. Actively participating as *amicus curiae* is an integral part of LAAW’s statewide efforts to
15 protect the rights of low-wage workers and advance their interests in key appellate court
16 cases. These cases include *Kirola v. City and County of San Francisco* (Case No. 14-
17 17521); *Turman v. Koji’s Japan Inc.* (Case No. G051871); *Sonic-Calabasas v. Moreno*
18 (Case No. S174475) (*Sonic II*); *Harris v. City of Santa Monica* (Case No. S181004);
19 *Dedinas v. Superior Court, County of Los Angeles* (Case No. S182827); *Paratransit, Inc.,*
20 *v. Medeiros* (Case No. 204221); *Wills v. Superior Court, County of Orange* (Case No.
21 G043054); *Law School Admissions Council v. State of California* (Case No. C073187);
22 *Oman, et al. v. Delta Air Lines, Inc.*, Case No. S248726 (Cal. Supreme Court, February
23 2019); and *Skidgel v. California Unemployment Insurance Appeals Board*, Case No.
24 S250149 (Cal. Supreme Court, April 2019).

25 24. The breadth of LAAW’s work throughout California is enhanced immeasurably by *cy*
26 *pres* awards. They have assumed an increasingly important place among its revenue
27 sources. Consistent with the claims of employment class actions these funds are used to
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1 protect the workplace rights of low-wage workers by helping LAAW to maintain
2 programs and undertake initiatives in response to urgent community needs. *Cy pres*
3 awards fund not only general operating expenses but also special projects, such as: (a) a
4 training video for student volunteers on how to conduct a client interview in the Workers'
5 Rights Clinic; (b) translation of dozens of fact sheets into Chinese and Spanish; and (c)
6 the design and implementation of an online registration system for the more than 100
7 attorney volunteers who participate annually as supervisors with the Workers' Rights
8 Clinic sites statewide.

9 25. If awarded *cy pres* funds from the instant case, LAAW intends to devote such funds to
10 providing free legal assistance, including advice, education and representation, to low-
11 wage workers with wage and hour and other employment-related claims.

12 I declare under penalty of perjury pursuant to the laws of the State of California that the
13 foregoing is true and correct. Executed on this 27th day of August, 2021 at San Francisco,
14 California.
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