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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY LOS ANGELES

GINA ROBERTSON, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

ALL CARE HOME HEALTH PROVIDER, a
California Corporation; ALL CARE HOME
HEALTH OF SAN GABRIEL, a California
Corporation; ALL CARE HOSPICE, a
California Corporation; ALL CARE
PROVIDER SERVICES, INC., a California
Corporation; COMCARE HOME HEALTH,
INC., a California Corporation; ANDREW J.
PAGSISIHAN, an individual; LILIA
PAGSISIHAN, an individual; APOLONIO
PAGSISIHAN, an individual; and DOES 1
through 10, inclusive;

Defendants.

Case No.: 20STCV18318
*[Assigned to Hon. Daniel J. Buckley, Dept 1,
for all purposes]*

**DECLARATION OF PLAINTIFF GINA
ROBERTSON IN SUPPORT OF CLASS
ACTION SETTLEMENT**

Complaint filed: 5/14/2020

1 I, Gina Robertson, state and declare:

2 1. I am the named plaintiff and agreed to serve as the class representative and
3 PAGA representative in this matter. I am over 18 years of age. I have personal knowledge of
4 the facts set forth in this declaration and could and would testify competently thereto.

5 2. I was employed by Defendants in California from approximately June 2012
6 through the date of February 23, 2021 as an in-home nurse when there was a mutual separation
7 of employment as a condition of the settlement agreement in this matter.

8 3. My interests in this lawsuit are not in conflict or in any way antagonistic to the
9 interests of those of the other class members. At all times since the outset of this matter, I
10 understood that, as a class representative, I have a duty to look out for and protect the interest of
11 the class as a whole. I understand that the class includes all persons who performed nursing care
12 for Defendants in the State of California at any time beginning four years preceding the filing of
13 the Complaint through preliminary approval.

14 4. I have taken my role as a Class and PAGA representative very seriously. At all
15 times, I have been committed to remaining responsive to my counsel. I have devoted a
16 significant amount of time to this litigation and am willing to continue devoting time and effort
17 until the settlement is fully carried out. For example, I attended a lengthy meeting at counsels'
18 office at the outset of the case and spent significant time aiding the attorneys in the development
19 of the case. I called counsel and emailed them to keep them updated on new developments.
20 Further, I spent a significant amount of time helping my attorneys prepare for mediation and I
21 made myself available by phone during the mediation which I actively participated in throughout
22 the day. I have also spent significant amounts of time gathering documents, discussing pleadings
23 and the mediation brief with counsel, and reviewing the settlement agreement. My counsel has
24 explained my duties as a Class representative, and I understand them and have complied at all
25 times.

26 5. Although I did not keep contemporaneous time records for everything I did in
27 connection with this case, I have reconstructed, to the best of my recollection, a time sheet
28 summarizing the estimated time I have spent thus far. My conservative estimate is that I spent

1 over 38.5 hours to date in connection with this case.

2 6. I carefully reviewed the class action settlement agreement in this case before
3 signing it, and I understand its terms, including the total settlement amount of \$1,400,000.00, and
4 the deductions that will be taken from that before arriving at the net settlement fund, including
5 the attorneys' fees request of 1/3 of the gross amount plus actual costs up to \$15,000.00, the
6 settlement administration expenses, the PAGA allocation, and the nature of the class release.

7 7. Additionally, I recognize that the parties have agreed to an incentive award of
8 \$10,000 to me for the time I spent on this case, in addition to my share of the settlement. In light
9 of what I have done for the class and the hard work we put in, I believe that the requested award
10 is fully warranted and respectfully request it be granted. Moreover, I voluntarily undertook a
11 great amount of risk by publishing my name and putting my time and reputation on the line to
12 represent the class. Further, I came forward to effectuate meaningful changes as a current
13 employee after working for the company since 2012 at the risk of losing my job, suffering
14 retaliation, being passed over for promotion and/or being ordered to pay Defendant's costs.
15 Regardless of these risks, I put the interests of the class before mine. The incentive award I am
16 requesting here represents less than 1% of the gross settlement amount, which is not
17 unreasonable in light of the work I have put in. I also agreed to represent the "aggrieved
18 employees" in this case as a PAGA representative, which added significant value to this case.

19 8. Moreover, as a condition of this settlement, I was required to separate from my
20 employment with the company and release any and all other individual claims in exchange for a
21 severance payment.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Executed on October 25, 2021, at Bellflower, California.

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25 By: Gina Robertson (Oct 25, 2021 16:33 PDT)
26 Gina Robertson, Declarant
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