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Case #20CV366465
Envelope: 7649071**

Attorneys for Plaintiff, the Class, and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

SYLVIA BERNABE, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

899 CHARLESTON, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 20CV366465

(Assigned to the Honorable Patricia M. Lucas,
Dept. 3)

**DECLARATION OF SYLVIA BERNABE IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: December 8, 2021

Time: 1:30 P.M.

Dept.: 3

Complaint Filed: May 8, 2020

FAC Filed: July 16, 2021

DECLARATION OF SYLVIA BERNABE

I, Sylvia Bernabe, declare as follows:

1. I am an individual over the age of 18 years old and am a resident of California. I am the named Plaintiff in this matter. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I worked for Defendant 899 Charleston ("Defendant") as a CNA Medtech from on or about January 19, 2013, until on or about December 25, 2019. Throughout my employment with Defendant, I was an hourly, non-exempt employee.

3. During my employment with Defendant, I was paid non-discretionary incentives, including shift differentials such as "Mfr Shift Diff" wages, which increased my regular rate of pay to a rate that is higher than my base rate of pay. However, Defendant only paid overtime and sick pay wages to me at the base rate of pay, without factoring in said shift differentials into the calculation of the regular rate of pay. Additionally, I was also issued wage statements that did not identify the correct overtime rates of pay, gross wages earned, and net wages earned, as a result of Defendant's miscalculation of the regular rate of pay.

4. Whenever shift differential wages were paid to me, I was also issued wage statements that displayed inaccurate information. The wage statements issued to me did not list the correct total number of hours worked.

5. During the pendency of this lawsuit, I was required to provide assistance to my attorneys, including discussing the case with them and providing them with documents and information. I have spent a significant amount of time meeting and conferring with my attorneys in connection with the assistance/prosecution of the claims in this case. Throughout this case, I have continuously been kept apprised of the status of this case.

6. I estimate that I spent approximately 20 hours in connection with the assistance/prosecution of the claims in this lawsuit. This includes the following:

- Numerous telephonic discussions with my counsel regarding the case and throughout the pendency of the case;
- Searching for and providing various documents relating to my claims,

- Reviewing various files and pleadings in this case, including my PAGA letter to the LWDA, the complaint, and the settlement agreement and my declarations in this case.

7. I understand that this action was brought on behalf of other similarly situated employees, and that I am acting as a representative for the Class. As the Class Representative, I understand that it is my responsibility to act in the best interests of the Class and not my own. I agree that I will not put my own interests ahead of that of the Class. Moreover, I am not aware of any conflicts that exist between my interests and the interests of the Class that would impair or affect my ability to serve as representative for the Class.

8. I have and continue to be willing to assist in the investigation of this matter as well as make myself available for deposition, trial, or any further proceedings in this matter as required to represent the interests of the Class. I also understand my duties and responsibilities to the proposed Class and will carry out those duties as necessary.

9. I have discussed the terms of the Settlement Agreement with my attorneys, and based on the information provided, I believe the Settlement to be fair, adequate, and reasonable for myself and for the entire Class.

10. I understand that I could have been liable for Defendant's legal costs had Defendant prevailed. I also understand that this lawsuit was filed in the public court records, which may affect my ability to obtain future employment.

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

Executed on this 8th day of November, 2021, at San Mateo, California.

 DocuSigned by:

PR Bernabe

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Sylvia Bernabe

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Sylvia Bernabe