

Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

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County of Santa Clara,
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Case #20CV366465
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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 PLAINTIFF SYLVIA
BERNABE IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: August 18, 2021
Time: 1:30 P.M.
Dept.: 3

Complaint Filed: May 8, 2020

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 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. I understand that this action was brought on behalf of all other employees in the State of California, 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, and that I will not settle out my class claims in this lawsuit separately or independently from 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.

6. I have and continue to be willing to assist in the investigation of this matter, including meeting, conferring, discussing the case with my attorneys, providing any necessary information and documents, making myself available for trial or any further proceedings in this

1 matter as required to represent the interests of the Class. I also understand my duties and
2 responsibilities to the proposed Class and will carry out those duties as necessary.

3 7. I have discussed the case with my attorneys on a number of occasions, provided
4 information and documents to my attorneys to help with the prosecution of the case, and
5 reviewed documents in the case, including the Settlement Agreement.

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

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

11 Executed on this ⁹____ day of July, 2021, at San Mateo, California.

12 DocuSigned by:
13 SR Bernabe
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15 Sylvia Bernabe
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