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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

CECILLE SARMIENTO, an individual, on
behalf of herself and on behalf of all persons
similarly situated,

Plaintiffs,

v.

CADUCEUS HEALTHCARE INC., a
Corporation; and DOES 1 through 50,
Inclusive;

Defendants.

Case No. 37-2021-00002597-CU-OE-CTL

**DECLARATION OF CECILLE
SARMIENTO IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS AND
PAGA ACTION SETTLEMENT**

Date: March 10, 2023
Time: 10:30 AM

Judge: Richard S. Whitney
Dept.: C-68

1 I, CECILLE SARMIENTO, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of Plaintiff's Motion for Class
5 Counsel Award and Class Representative Service Award. I have personal knowledge of all the facts
6 stated herein. I could and would competently testify under oath to these facts in court if requested to do
7 so.

8 2. I retained Class Counsel in May of 2020 and filed the lawsuit in January of 2021. I filed
9 the case on behalf of myself and a class of all non-exempt employees who are or previously were
10 employed by CADUCEUS HEALTHCARE INC. ("Defendant") in California between January 20,
11 2017 to September 30, 2021.

12 3. I have worked for Defendant as a non-exempt employee, in San Diego County, between
13 February 3, 2020, to April 30, 2020. Throughout my employment, I was subject to Defendant's written
14 policies and procedures contained in, among other documents, the "Human Resource Manual."

15 4. I filed the case because I believed my rights as an employee were violated by Defendant
16 and also the rights of other employees that worked for Defendant. Among other claims, I believe
17 Defendant failed to pay me for all time worked, failed to provide compliant meal and rest periods, failed
18 to pay overtime at the correct regular rate of pay, failed to furnish accurate itemized wage statements,
19 and failed to pay all wages upon separation failure.

20 5. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with
21 my attorneys. We discussed my work experience and how company policies were applied to me and
22 other employees. I provided the attorneys with the documents they requested. We reviewed the
23 documents together and asked and answered many questions regarding my experience working for
24 Defendant, the litigation process and about class actions generally.

25 6. I decided to go through with the case because I believed violations occurred and most
26 employees would not know what their rights are and even if they did, they would be apprehensive to file
27 a lawsuit against their employer for fear of retaliation.
28

1 7. **Review and Approval of Settlement:** A mediation was held on September 8, 2021. Even
2 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
3 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
4 with my attorneys after the mediation and discussed the mediator's proposal which was ultimately
5 accepted. I am satisfied with the terms of the settlement that was agreed to by the parties. I reviewed
6 and signed the Memorandum of Understanding on September 15, 2021, and when the settlement papers
7 were ready, I signed on September 15, 2021.

8 8. **Participation:** Since I retained Class Counsel approximately thirty-three months ago, I
9 have been actively involved with this class action lawsuit performing the duties described above. While
10 I did not keep formal time records, I was in regular contact with my attorneys, reviewed important court
11 filings, and spent considerable time on the issues presented during the litigation and in the settlement
12 process. I estimate that I spent approximately 15-20 hours working on this case.

13 9. Also, my attorneys explained to me that the settlement process involved a two-step review
14 by the Court to determine whether the settlement was fair before ordering that the settlement be funded
15 and paid. I knew this process also involved notifying all class members of the settlement terms and of
16 their rights to make a claim for their settlement share, to opt out of the settlement or to object to the
17 settlement.

18 10. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
19 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
20 that despite the written terms of the Settlement Agreement that I signed, that I am entitled to a Class
21 Representative Service Award of \$7,500 from the settlement. This amount would be fair compensation
22 for the work I performed, the sacrifices made not pursuing this case individually, and the risks I
23 undertook.

24 11. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
25 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
26 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
27 for \$7,500 as a service award is fair and reasonable.
28

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed on Feb 12, 2023, at San Diego, California.

3 *Cecille Sarmiento*
4 By: Cecille Sarmiento (Feb 12, 2023 17:13 PST)
5 CECILLE SARMIENTO
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