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Attorneys for Plaintiff CECILLE SARMIENTO

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,

Plaintiff,

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 PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: September 9, 2022
Time: 10:30 a.m.

Judge: Hon. Richard S. Whitney
Dept.: 68

I, CECILLE SARMIENTO, declare as follows:

1. I am over eighteen years of age and if called as a witness, I could and would competently testify to the following facts from my own personal knowledge. I am the lead named Plaintiff in the above wage and hour class action filed against CADUCEUS HEALTHCARE, INC. (hereinafter collectively "Defendants").

2. This declaration is being submitted in support of Plaintiff's motion for Preliminary Approval of Class Action Settlement.

3. I believe that I am, have been and will continue to represent the interests of the class fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking to represent.

4. I worked for Defendant as a non-exempt employee in California between February 3, 2020 to April 3, 2020. At all times during her employment, I earned an hourly wage and was entitled to legally compliant meal and/or rest periods, and minimum, regular and overtime wages for all hours worked. Throughout my employment, I was subject to Defendant's written policies and procedures contained in, among other documents, the "Human Resource Manual."

5. Generally, my lawsuit claims that Defendant failed to pay for all time worked, including, time spent waiting for and undergoing mandatory loss prevention security checks, failed to provide compliant meal and rest periods, failed to provide suitable seating, failed to furnish accurate itemized wage statements, and failed to pay all wages upon separation failure.

6. I believe that my claims are typical of the claims of the Class Members that I am seeking to represent because I was subject to the same alleged unlawful employment policies and practices at issue in this action, including but not limited to, Defendant's failure to provide complaint meal and rest periods, failure to pay for all hours worked, and failure to pay all wages when due. Factually, Defendant's policies and practices apply class wide, and Defendant's liability can be determined by facts common to all members of the Class.

7. Further, there is no conflict between my interests and the interests of the class that I am seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that I was injured by the same company-wide policies and practices to which the proposed Class was subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the proposed settlement to assure that it is fair.

