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Attorneys for Plaintiffs Fatima Goodarzi and Marianita Yadao

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

FATIMA GOODARZI, individually, and on
behalf of other members of the general public
similarly situated, and as an aggrieved employee
pursuant to the Private Attorneys General Act
("PAGA"),

Plaintiff,

vs.

BELMONT VILLAGE, L.P., a Delaware
limited partnership; BELMONT VILLAGE
ALISO VIEJO CA LP, a Delaware limited
partnership; BELMONT VILLAGE
BERKELEY, LLC, a Delaware limited liability
company; BELMONT VILLAGE
THOUSAND OAKS CA LP, a Delaware
limited partnership; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 20STCV15572

Assigned to the Hon. Daniel J. Buckley

**SUPPLEMENTAL DECLARATION OF
KRISTEN M. AGNEW IN SUPPORT OF
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: September 14, 2022

Time: 10:30 a.m.

Place: Department 1

Complaint Filed: April 22, 2020

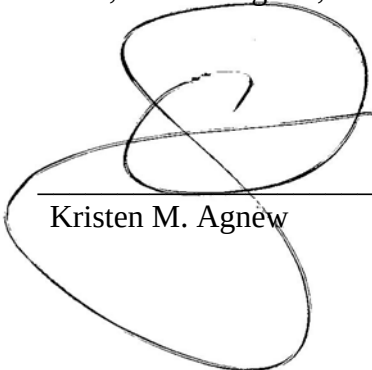
1 I, Kristen M. Agnew, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiffs
4 Fatima Goodarzi and Marianita Yadao ("Plaintiffs"). I have personal knowledge of the facts set
5 forth below and if called to testify I could and would do so competently.

6 2. On June 4, 2020, Plaintiff Yadao submitted her written notice under Labor Code
7 section 2699.3 (the "PAGA Notice") to the California Labor and Workforce Development
8 Agency ("LWDA") and Defendant Belmont Village, L.P. Attached hereto as **Exhibit A** is a true
9 and correct copy of the PAGA Notice and confirmation of submission to the LWDA.

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

12 Executed on this 19th day of August 2022, at Los Angeles, California.

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Kristen M. Agnew

Exhibit A

MARIANITA YADAO

C/O DIVERSITY LAW GROUP
A PROFESSIONAL CORPORATION
515 S. FIGUEROA ST., SUITE 1250
LOS ANGELES, CALIFORNIA 90071
TELEPHONE (213) 488-6555
FACSIMILE (213) 488-6554

May 31, 2020

VIA ON-LINE FILING

California Labor & Workforce Development Agency
Attn: PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612

Re: *Yadao v. Belmont Village, L.P.*

To Whom It May Concern:

This correspondence shall constitute written notice under Labor Code § 2699.3 of my claims against my former employer, Belmont Village, L.P. (the “Company”). I allege that the Company:

1. Violated Labor Code §§ 226.7 and 512 by failing to provide me and other aggrieved employees with off-duty meal breaks within the first 5 hours worked for shifts in excess of 5 hours. We were not allowed to leave the work premises during our meal breaks. Rather, we were required to take our meal breaks inside the employee break room. Further, the Company also violated Labor Code §§ 201-203 by failing to pay other aggrieved employees and me all of the wages owed upon separation of employment due to the unpaid missed meal period premiums.
2. Violated Labor Code §§ 226.7 by failing to provide me and other aggrieved employees with off-duty rest breaks for shifts of 3.5 hours or more. Specifically, other aggrieved employees and I were required to remain on-duty and perform work when we were supposed to take our rest breaks. For example, we were required to continue to work during our rest breaks. Additionally, we were not allowed to leave the work premises during our rest breaks. Further, the Company also violated Labor Code §§ 201-203 by failing to pay other aggrieved employees and me all of the wages owed upon separation of employment due to the unpaid missed rest period premiums.
3. Violated Labor Code §§ 201-203 by failing to pay all final wages upon the separation of employment to me and other similarly situated aggrieved employees. Specifically, rather than timely pay final wages upon the separation of employment, the Company does not issue final wages to departing employees until the next following normal payroll date, or even later.
4. The Company violated Labor Code § 226(a) by failing to provide accurate, itemized wage statements to me and/or other similarly situated aggrieved employees. Whenever

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A PROFESSIONAL CORPORATION

California Labor & Workforce Development Agency

May 31, 2020

Page 2

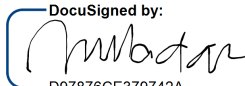
double overtime wages were paid, the wage statements issued to the employees did not identify the overtime rate as 2 times my regular rate of pay. Rather, the overtime rates appeared as the regular hourly rate of pay. In addition, the Company failed to list the accurate total hours worked for wage statements furnished to me and/or other similarly aggrieved non-exempt employees whenever double overtime wages were paid. In particular, whenever double overtime wages were paid, the wage statements issued by the Company did not identify the accurate total hours worked. Similarly, when the hours shown on the wage statements are added up, they do not appear to add up to the actual total hours worked. Finally, as a result of the meal and rest break violations identified above, the wage statements failed to the accurate total wages earned.

The address for the Company is:

Belmont Village, L.P.
7660 Woodway Dr., Suite 400
Houston, TX 77063

Please contact my attorney, Larry W. Lee, at the address/telephone number listed above if you have any questions regarding this matter.

Sincerely,

DocuSigned by:

D97876CE379742A...
Marianita Yadao

cc: Belmont Village, L.P. (via certified mail, return receipt requested to the address above)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Belmont Village, L.P.
7660 Woodward Dr., Suite 400
Houston, TX 77063



9590 9402 5817 0034 8567 53

2. Article Number (Transfer from service label)

7019 2280 0000 7540 2568

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Martin Roece*

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

6/8/20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING#



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

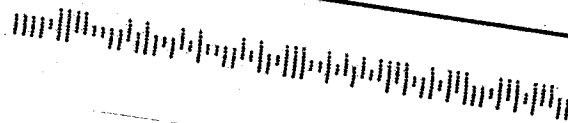
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United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

DIVERSITY LAW GROUP
A PROFESSIONAL CORPORATION
515 S. FIGUEROA STREET, SUITE 1250
LOS ANGELES, CALIFORNIA 90071

25016.001



Sophia Hanneyan

From: noreply@salesforce.com on behalf of LWDA DO NOT REPLY <lwdadonotreply@dir.ca.gov>
Sent: Thursday, June 4, 2020 2:19 PM
To: Sophia Hanneyan
Subject: Thank you for submission of your PAGA Case.

6/4/2020

LWDA Case No. LWDA-CM-792363-20
Law Firm : Diversity Law Group
Plaintiff Name : Marianita Yadao
Employer: Belmont Village, L.P.

Item submitted: Initial PAGA Notice

Thank you for your submission to the Labor and Workforce Development Agency. Please make a note of the LWDA Case No. above as you may need this number for future reference when filing any subsequent documents for this Case.

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm

PROOF OF SERVICE

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 1875 Century Park East, Suite 1000, Los Angeles, California 90067.

On **August 22, 2022**, I served the document(s) described as: **SUPPLEMENTAL DECLARATION OF KRISTEN M. AGNEW IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties in this action by sending ☐ the original ☒ a true copy thereof ☒ to interested parties as follows [or] ☐ as stated on the attached service list:

Jeffrey Ranen Jeffrey.ranen@lewisbrisbois.com Kelley Fox Kelley.Fox@lewisbrisbois.com LEWIS BRISBOIS BISGAARD & SMITH LLP 633 West Fifth Street, Suite 4000 Los Angeles, CA 90017	<i>Attorneys for Defendant</i> Belmont Village, L.P.
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Larry W. Lee (State Bar No. 228175) Lwlee@diversitylaw.com Kristen M. Agnew (State Bar No. 247656) kagnew@diversitylaw.com Nicholas Rosenthal (State Bar No. 268297) nrosenthal@diversitylaw.com DIVERSITY LAW GROUP, P.C. 515 S. Figueroa Street, Suite 1250 Los Angeles, CA 90071 Telephone: (213) 488-6555 Facsimile: (213) 488-6554	<i>Attorneys for Plaintiffs</i> Marianita Yadao
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☐ **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s) for mailing in the ordinary course of business at Los Angeles, California. I am “readily familiar” with this firm’s practice of collection and processing correspondence for mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

☐ **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action.

☒ **BY ELECTRONIC SERVICE:** I caused the document(s) to be transmitted electronically via One Legal eService to the individuals listed above, as they exist on that database. This will constitute service of the document(s).

☐ **BY FAX:** I hereby certify that this document was served from Los Angeles, California, by facsimile delivery on the parties listed herein at their most recent fax number of record in this action.

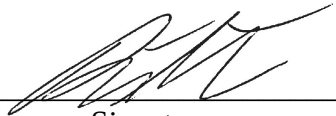
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[] **BY PERSONAL SERVICE:** I caused delivery of the document(s), enclosed in a sealed envelope, by hand via ProLegal Network to the offices of the addressee(s) named herein.

[] **BY OVERNIGHT DELIVERY:** I am “readily familiar” with this firm’s practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up by the carrier at our offices or delivered by our office to a designated collection site.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 22, 2022**, at Los Angeles, California.

Riley McIntire
Type or Print Name


Signature