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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. Stuart M. Rice

**DECLARATION OF MARIANITA YADAO
 IN SUPPORT OF MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

Date: July 20, 2022

Time: 10:30 a.m.

Place: Department 1

Complaint Filed: April 22, 2020

DECLARATION OF MARIANITA YADAO

I, Marianita Yadao, hereby declare as follows:

1. I am over eighteen years old and unless the context indicates otherwise, I have personal knowledge of the following facts and if called as a witness, I could and would testify competently to them. I am a named plaintiff in the above-captioned action, and a representative for the proposed Settlement Class. I make this declaration in support of the Motion for Preliminary Approval of Class Action Settlement.

2. I was employed by Defendant Belmont Village, L.P. ("Defendant") at its senior assisted living facility located in Los Angeles, California as an hourly paid, non-exempt caregiver from about November 2018 to June 2019.

3. Like other members of the class, during my employment with Defendant, I was not provided with off-duty meal and rest periods. I was not permitted to leave the work premises during my breaks. Instead, employees were required to take breaks inside the employee break room. Employees were also required to remain on-duty and perform work during rest periods. I did not receive premium compensation for these missed and/or interrupted meal and rest periods.

4. During pay periods where I earned double overtime wages, the corresponding wage statement did not identify the overtime rate as two-times my regular rate of pay. Rather, the overtime rates appeared as the regular hourly rate of pay. In addition, Defendant failed to list the accurate total hours worked for wage statements. When double overtime wages were paid, the corresponding wage statement did not identify the accurate total hours worked. Separately, as a result of the meal and rest break violations identified above, the wage statements failed to the accurate total wages earned.

5. I did not receive the payment of my final wages upon the separation of my employment. Defendant does not issue final wages to departing employees until the next following normal payroll date, or even later.

6. Prior to filing the action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff.

1 7. I have worked to the best of my ability to prosecute this action on behalf of the entire
2 class, always considering the interests of the class members just as I would consider my own interests. I
3 believe class actions are an important tool to assure compliance with the law even where an individual's
4 losses may be relatively small. I do not believe I have any interests that are adverse to the other
5 employees that are part of this class action settlement.

6 8. When I agreed to represent other non-exempt employees performing duties for
7 Defendant in the State of California, I understood it was my duty to be readily available and to participate
8 actively in this case. I knew that I would be required to review documents, search for documents and
9 produce them to my attorneys, answer written questions, potentially answer oral questions and testify
10 truthfully under oath, and be available to appear in court, if necessary.

11 9. I understood that I needed to maintain awareness of the status and progress of the
12 lawsuit.

13 10. Since initiating this lawsuit until now, I have kept aware of the status of the lawsuit and
14 provided my attorneys with documents and information used by them in the litigation. I have spent large
15 amounts of time and effort pursuing my claims and the claims of the other employees from the time I
16 retained my attorneys to the present date.

17 11. After retaining my attorneys, I spent considerable time on the phone discussing the facts
18 of my case with my attorneys. I discussed the facts related to my employment with Defendant, including
19 discussing my job duties and responsibilities, my job position, the hours and days I worked, and how I
20 was paid.

21 12. I worked closely with my attorneys during the discovery phase of the litigation.
22 Defendant's counsel took my deposition on January 25, 2021. Prior to my deposition, I conferred with
23 my attorneys to prepare, and to learn more about the deposition process. Following my deposition, I
24 carefully reviewed the deposition transcript to ensure that my testimony was properly and accurately
25 recorded.

26 13. I have carefully reviewed the terms of the proposed settlement. My attorneys explained
27 the specifics of how the settlement would work and I accepted the settlement only after I had spent time
28 evaluating the proposed outcome to assure that it was fair. Based on my attorneys' evaluation and

1 recommendation, and my own review, I believe the settlement is fair and reasonable and adequately
2 compensates Class Members.

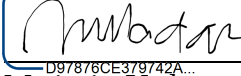
3 14. In summary, over the course of this litigation I have spent a significant amount of time
4 conferring and working with my attorneys on the prosecution of my claims and evaluating the settlement
5 and related documents. I estimate that I have spent between 15 and 25 hours assisting my attorneys in the
6 prosecution of this lawsuit.

7 15. I believe my negotiated Enhancement Payment is reasonable compensation for my
8 services on behalf of Class Members and the State of California, and for the general release that I am
9 required to provide Defendant as a condition of settlement, which has independent value and which I
10 believe makes up a major fraction of the value of the Enhancement Payment. This general release
11 requires me to waive *all* claims that I may have arising out of my employment, and is considerably
12 broader than the claims Class Members will release under the settlement.

13 16. I am committed to this case and will continue to make myself available as needed in the
14 settlement process.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is
16 true and correct. Executed on [Date] 6/23/2022, at [City] Los Angeles, California.

17 DocuSigned by:

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20 Marianita Yadao
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On **June 24, 2022**, I served the document(s) described as: **DECLARATION OF MARIANITA YADAO 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:

Attorneys for Defendant
Belmont Village, L.P.

Attorneys for Plaintiffs
Marianita Yadao

[] **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 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.

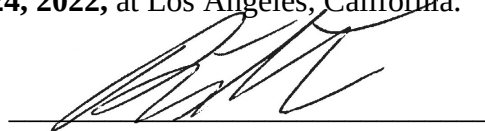
[] **BY PERSONAL SERVICE:** I caused delivery of the document(s), enclosed in a sealed envelope, by hand via ProLegal Network to the offices of the addressee(s) named herein.

[] **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 **June 24, 2022**, at Los Angeles, California.

Riley McIntire

Type or Print Name



Signature