

Larry W. Lee (State Bar No. 228175)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
nrosenthal@diversitylaw.com

Attorneys for Plaintiff and the Class

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

09/14/2023 at 04:17:42 PM

By: Anita Dhir,
Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

SUNSHINE DEERING, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

ROMAN EMPIRE ABA SERVICES, INC.,
a California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: RG20072383

[Assigned for all purposes to the Hon. Brad
Seligman, Dept. 23]

CLASS ACTION

**DECLARATION OF SUNSHINE DEERING IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Information

Date: October 10, 2023

Time: 3:00 p.m.

Dept.: 23

Reservation ID: A-20072383-001

Complaint Filed: September 2, 2020

Trial Date: Not Set

DECLARATION OF SUNSHINE DEERING

I, Sunshine Deering, declare as follows:

1. I am an individual over the age of 18. I am the named Plaintiff in the above-referenced action. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I was employed by Defendant Roman Empire ABA Services, Inc. ("Defendant") as a behavioral therapist, from about March 2020, until about July 2020. I worked as a non-exempt employee and was paid on an hourly basis.

3. During my employment, no time was set aside in employee schedules for meal or rest periods and appointments were scheduled in such a manner that taking these periods was not possible. Any breaks I was able to take were not legally compliant because I was required to always respond to any work related calls I received at any time, even when on breaks. As a result, I did not receive off-duty meal and rest breaks. I was also not paid premium compensation for these missed meal and rest breaks.

4. During my employment, I was not reimbursed for costs associated with using my personal cellular phone and vehicle for work-related purposes.

5. In addition, I was issued inaccurate wage statements. Moreover, my wage statements failed to list all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate. As a result of the violations, the wage statements issued to me did not comply with California law.

6. During the pendency of this lawsuit, I was required to provide assistance to my attorneys, including meeting with them and providing them with documents and information. I have spent a significant amount of time meet and/or conferring with my attorneys in connection with the assistance/prosecution of the claims. I estimate that I spent approximately 75 hours in connection with this lawsuit. This includes engaging in numerous telephonic discussions with my counsel regarding the case, searching for and providing documents relating to my case, reviewing various files and pleadings in the case, including my PAGA letter, the complaint, the settlement agreement, and my declarations. Throughout this case, I have continuously been kept apprised of

1 the status of this case.

2 7. I understand that this action was brought on behalf of all other employees in the
3 State of California, and that I am acting as a representative for the class. As the Class
4 Representative, I understand that it is my responsibility to act in the best interests of the class and
5 not my own. I agree that I will not put my own interests ahead of that of the class. Moreover, I
6 am not aware of any conflicts that exist between my interests and the interests of the class that
7 would impair or affect my ability to serve as representative for the class.

8 8. I have and continue to be willing to assist in the investigation of this matter,
9 including meeting, conferring, discussing the case with my attorneys, providing any necessary
10 information and documents, making myself available for trial or any further proceedings in this
11 matter as required to represent the interests of the class. I also understand my duties and
12 responsibilities to the proposed class and will carry out those duties as necessary.

13 9. I have discussed the terms of the Joint Stipulation of Class and Representative
14 Action Settlement Agreement (“Settlement Agreement”) with my attorneys, and based on the
15 information provided, I believe the Settlement to be fair, adequate, and reasonable for myself and
16 for the entire Class.

17 10. I am aware and have been aware from the inception of the case, that there is the
18 risk that if I do not win my case, then I could be liable for Defendant’s litigation costs. I accepted
19 that risk in this case. I also understood that an individual case would have resolved much faster
20 than a class action and involved much less financial risk than a class action.

21 11. I also understand that this lawsuit was filed in the public court records, which may
22 affect my ability to obtain future employment.

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

DocuSigned by:

 FF23A6CB28164F8..
 Sunshine Deering