

ERIC A. GROVER (State Bar No 136080)
eagrover@kellergrover.com
DAVID M. WATSON (State Bar No 219705)
dwatson@kellergrover.com
KELLER GROVER LLP
1965 Market Street
San Francisco, California 94103
Telephone: (415) 543-1305
Facsimile: (415) 543-7861

**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 9/29/2025 2:29 PM
Reviewed By: A. Floresca
Case #20CV371934
Envelope: 21026691**

Alexei Kuchinsky (State Bar No. 279405)
KUCHINSKY LAW OFFICE, P.C.
220 Montgomery Street, Suite 2100
San Francisco, CA 94104
Telephone: (628) 200-0902
Facsimile: (628) 200-0907
Email: ak@kuchinskylawoffice.com
(Additional Counsel on Next Page)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
UNLIMITED JURISDICTION**

JOANNE MANALO, individually, on behalf of
herself and all other similarly situated
employees,

Plaintiff,

vs.

SAN JOSE, LLC, and DOES 1 to 5

Defendants.

Case No: 20CV371934

*Assigned for all Purposes to Hon. Theodore
C. Zayner, Department 19*

CLASS ACTION

**DECLARATION OF ALEXEI
KUCHINSKY IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND PAGA
ACTION SETTLEMENT**

Date: October 22, 2025
Time: 1:30 p.m.
Dept: 19

Complaint filed: October 23, 2020
FAC filed: April 25, 2024
Trial Date: TBD

1 William P. Klein (State Bar No. 148867)
2 KLEIN LAW GROUP, P.C.
3 220 Montgomery Street, Suite 2100
4 San Francisco, CA 94104
5 Telephone: (415) 693-9107
6 Facsimile: (415) 693-9222
7 Email: wklein@sfbizlaw.com

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Attorneys for Plaintiff Joanne Manalo and
all other similarly situated employees

1 I, Alexei Kuchinsky, declare as follows:

2 1. I am an attorney licensed to practice law in the state of California. I am the principal
3 attorney at Kuchinsky Law Office, P.C. Together with William P. Klein of Klein Law Group,
4 P.C., and Eric A. Grover of Keller Grover LLP, I am counsel for Plaintiff Joanne Manalo
5 (“Plaintiff”) in this case. I submit this declaration in support of Plaintiff’s Motion for Preliminary
6 Approval of Class and PAGA Settlement (“Motion”). I am familiar with the file, the documents,
7 and the history related to this case. The following statements are based on my personal knowledge
8 and review of the files. If called on to do so, I could and would testify competently thereto.

9 **I. NATURE OF THE CASE**

10 2. On October 23, 2020, Plaintiff Manalo filed this proposed class action on behalf of all
11 nonexempt registered nurses (“RN”) who worked for Defendant San Jose LLC (“Defendant” or
12 “Regional”) at “Regional Medical Center of San Jose,” located at 225 North Jackson Avenue, San
13 Jose, California, from October 22, 2019 through the present. The original complaint alleged six
14 causes of action: (1) failure to provide meal periods or compensation in lieu thereof; (2) failure to
15 provide rest periods or compensation in lieu thereof; (3) failure to pay overtime wages; (4) failure
16 to pay for all hours worked; (5) failure to provide accurate itemized wage statements; and (6) a
17 PAGA claim for civil penalties for under the Private Attorneys General Act of 2004.

18 3. On March 7, 2024, Plaintiff filed a motion for leave to file a First Amended Complaint
19 (“FAC”) to add an additional claim under California Labor Code Section 203 for waiting time
20 penalties. The Court granted Plaintiff’s motion on April 25, 2024; the same day the FAC was
21 filed.

22 **II. ADEQUACY OF PROPOSED CLASS COUNSEL**

23 4. I have no known conflicts of interest with Plaintiff or putative class members and am
24 aware of no conflicts of interest between Plaintiff and the putative class members. My office,
25 together with co-counsel, has diligently prosecuted this case and will continue to do so attentively
26 through its conclusion.

27 5. Plaintiff and the putative class members share a common interest in challenging Regional’s
28 actions as alleged in the FAC. Based on interactions with Plaintiff Manalo, both my co-counsel

1 and I believe she comprehends the nature of this action and her responsibilities as a class
2 representative. My office has informed Plaintiff Manalo of her duties, including the need to
3 prioritize the class's interests above her own, and she has agreed and adhered to these obligations
4 throughout the case. Plaintiff has consistently cooperated with my office by providing documents,
5 information, and participating in discovery.

6 6. I am a member in good standing with the State Bar of California and have been since 2011.
7 I am admitted to practice in the state of California and the United States District Courts for the
8 Northern, Central, Eastern, and Southern Districts of California. I am a member of the Labor and
9 Employment Law Section of the State Bar of California. I earned a bachelor's degree from San
10 Francisco State University (*Summa Cum Laude*), and I am a graduate of the University of
11 California Davis School of Law.

12 7. I have been practicing predominantly employment litigation full time for the past 14 years.
13 Much of this litigation has involved class action prosecution involving state and federal statutes
14 such as the Fair Labor Standards Act, the California Labor Code, the Business and Professions
15 Code, and the Industrial Welfare Commission Wage Orders. I have represented employees and
16 employers in litigation resulting in both settlements and taking cases to verdict.

17 8. I have extensive experience handling wage-and-hour cases, including claims like those
18 asserted in this action. I have litigated various wage-and-hour legal issues, including unpaid off-
19 the-clock time and overtime, and unpaid premiums for non-complaint breaks. My knowledge of
20 the applicable wage-and-hour laws is evidenced by my representation of thousands of employees
21 in California and federal courts. During my years, I have handled over four hundred employment
22 cases, including multi-plaintiff, class, and representative actions. The following is a sampling of
23 class actions in which I have been appointed as Class counsel:

- 24 • *Magana v. Peet's Coffee, Inc.*, No. 23CV026139 (Cal. Super. Ct. Alameda Cnty.
25 Aug. 4, 2025) (granted final approval in a class action on behalf of 460 employees
for failure to pay wages).
- 26 • *Cruz v. Action Towing & Road Serv., Inc.*, No. 24CV433466 (Cal. Super. Ct. Santa
27 Clara Cnty. filed Aug 15, 2025) (granted final approval in a class action on behalf
of 373 employees for failure to pay wages).
- 28 • *Ngo v. Triple T Golden Corp.*, No. 30-2023-01326461 (Cal. Super. Ct. Orange
Cnty. Aug 15, 2025) (granted final approval in a class action on behalf of 158

employees for failure to pay wages).

- *Luis Franco v. The Goodyear Tire & Rubber Co.*, No. 22CV393403 (Cal. Super. Ct. Santa Clara Cnty. Feb. 2023) (granted final approval in a class action on behalf of 2,100 service advisors for failure to pay wages).
- *Sanchez v. Exam One Worldwide, Inc.*, No. 17CV308382 (Cal. Super. Ct. Santa Clara Cnty. July 2020) (granted final approval in a class action on behalf of 450 mobile examiners for failure to pay wages).
- *Matsui v. Chinese Hosp. Ass'n, Inc.*, No. CGC-19-577901 (Cal. Super. Ct. San Francisco Cnty. June 2020) (granted final approval in a class action on behalf of 145 nurses for failure to pay wages).
- *Shetty v. ILSC (San Francisco), LLC*, No. CGC-19-581622 (Cal. Super. Ct. San Francisco Cnty. Aug. 2022) (granted final approval in a class action on behalf of 94 misclassified workers for failure to pay wages).
- *Corcoran v. Herringbone Tavern, Inc.*, No. CGC-18-570576 (Cal. Super. Ct. San Francisco Cnty. May 2022) (granted final approval in a class action on behalf of 166 front-of-house employees for failure to pay wages).
- *Alkhamaisi v. Katmai Gov't Servs., LLC*, No. 3:18-cv-00115 (S.D. Cal. Aug. 20, 2019) (class counsel in a collective FLSA and class action on behalf of 450 employees for failure to pay wages).
- *Hillman v. Lexicon Consulting, Inc.*, No. 5:16-cv-01186 (C.D. Cal. Oct. 12, 2017) (class counsel in a collective FLSA and class action for failure to pay wages on behalf of 190 employees).
- *Atiqi v. Parsons Gov't Servs., Inc.*, No. 5:14-CV-00628 (C.D. Cal. Aug. 22, 2017) (granted final approval in a class action on behalf of 1,930 employees for failure to pay wages).

9. In this class action, I am being assisted by a team of experienced lawyers, each of whom has litigated employment cases for many years. This team includes Eric A. Grover and David Watson of Keller Grover LLP and William P. Klein of Klein Law Office, P.C. Their qualifications and adequacy to represent the putative class members are detailed in their respective declarations submitted in support of this Motion.

III. INVESTIGATION AND DISCOVERY

10. Together with my co-counsel, my office has undertaken substantial work in this litigation to identify, investigate, and prosecute the potential class action claims against Regional. We have worked closely with Plaintiff Manalo to understand her experiences working for Defendant and to evaluate her claims. Additionally, we have conducted interviews with dozens of RNs who are members of the putative class and have collaborated with them to prepare and submit declarations to the Court. This work has been essential in helping us gain a practical understanding of the facts

1 and experiences unique to RNs in the healthcare industry.

2 11. Regarding formal discovery, our offices have propounded four rounds of requests for
3 document production and interrogatories to gather further information and evidence for our
4 investigation and prosecution of Plaintiff's class claims and Defendant's defenses. During this
5 process, we have engaged in numerous meet-and-confer sessions with defense counsel and have
6 taken part in multiple informal discovery conferences with the Court to obtain more documents
7 than were initially provided.

8 12. We also litigated a discovery dispute regarding Defendant's electronically stored
9 information and other highly relevant documents, which resulted in a discovery order in favor of
10 Plaintiff.

11 13. Additionally, as a result of Plaintiff's extensive meet-and-confer efforts, we negotiated
12 with Defendant a production of a sample of RNs' time records and pay records for 385 putative
13 class members. As of October 11, 2023, these 385 employees represent a 28% sample of the entire
14 class of 1,367 RNs. These records, covering the employment period from October 23, 2019,
15 through September 3, 2022, were provided in Excel spreadsheet format. The two files were
16 provided to Plaintiff's expert James Toney, who was retained by Plaintiff to perform a payroll and
17 time record analysis in support of this Motion. Mr. Toney was tasked with computing the number
18 of RN shifts during which required meal periods and rest breaks were either missed, late, or short,
19 and whether Defendant paid RNs premiums for those non-compliant shifts.

20 14. Our offices have also conducted oral discovery. On February 23, 2023, I deposed Lotta
21 May Garcia, who was Plaintiff's Director at the Observation Unit and Dialysis prior to 2019 and is
22 now the Director of Regional's Emergency Services. On November 30, 2023, I deposed Julian
23 Madison, who is the Vice President of Human Resources for Regional and appeared as the Person
24 Most Qualified witness.

25 15. Furthermore, Plaintiff requested and, after extensive meet and confer efforts, Defendant
26 produced a sample of identities and contact information (i.e., a class list) of 383 RNs who worked
27 for Defendant during the relevant class period. Upon receipt of the class-list information, my team
28 initiated an investigation. We reached out via telephone to numerous class members to obtain

1 information regarding their employment experiences with Defendant.

2 16. We have also dedicated significant time and resources to collecting evidence, conducting
3 legal research, formulating legal theories, and drafting the brief related to the pending motion for
4 class certification.

5 **IV. THE PROPOSED SETTLEMENT IS FAIR, REASONABLE, AND**
6 **ADEQUATE, AND THEREFORE QUALIFIES FOR PRELIMINARY APPROVAL**

7 17. The proposed settlement of the class and PAGA claims is reasonable in light of the risks of
8 not obtaining class certification, the uncertainties of continued litigation, the potential for appeals,
9 and the prospect of protracted proceedings. I believe the settlement amount is fair, reasonable, and
10 adequate.

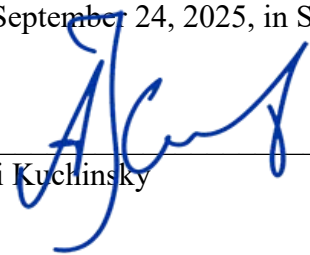
11 18. These risks are especially pronounced in light of the California Court of Appeal's recent
12 decision in *Allison v. Dignity Health* (Cal. Ct. App., 1st Dist., Div. 4, June 24, 2025, No.
13 A169225), which affirmed class decertification in a case brought by registered nurses alleging
14 meal and rest break violations. The court in *Allison* concluded that plaintiffs' survey evidence was
15 unreliable and that anecdotal evidence of employees voluntarily waiving meal periods was
16 sufficient to defeat class-wide proof of liability. Significantly, defendants in *Allison* were
17 represented by Sheppard Mullin Richter & Hampton LLP, the same defense firm representing
18 Defendant here, and the claims in both cases involve alleged meal and rest break violations. While
19 Plaintiff's claims in this action are strong, the risk of not obtaining or maintaining class
20 certification is substantial. In this context, the settlement amount is fair, reasonable, and adequate.

21 **V. RESIDUAL FUNDS:**

22 19. Settlement checks mailed out to Settlement Class Members shall be valid for 120 calendar
23 days from the date of issuance. The settlement provides that, after the check void date, the
24 Settlement Administrator will send any funds from uncashed checks to Legal Aid at Work. Legal
25 Aid at Work provides pro bono representation in various areas including workers' rights. *See*
26 <https://legalaidatwork.org/>. Neither myself or my firm has any interest in the governance or work
27 of Legal Aid at Work.
28

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

3 Executed on September 24, 2025, in San Francisco, California.

4
5 
6 _____
7 Alexei Kuchinsky
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, JOEY GONZALEZ, am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1965 Market Street, San Francisco, California 94103. On **September 29, 2025**, in the case of *Manalo v. Regional Medical Center of San Jose* Santa Clara County Superior Court Case No: 20CV371934, I served the foregoing document(s):

DECLARATION OF ALEXEI KUCHINSKY IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS AND PAGA ACTION SETTLEMENT

on the interested party(ies) below, using the following means:

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

RICHARD J. SIMMONS, Esq.
JASON W. KEARNAGHAN, Esq.
HILARY A. HABIB, Esq.
333 South Hope Street, 43rd Floor
Los Angeles, California 90071-1422
Telephone: 213-620-1780
Facsimile: 213-620-1398

Attorneys for Defendant

REGIONAL MEDICAL CENTER OF SAN JOSE

rsimmons@sheppardmullin.com
jkearnaghan@sheppardmullin.com
hhabib@sheppardmullin.com
mhamilton@sheppardmullin.com

MELANIE M. HAMILTON, Esq.
650 Town Center Drive, 10th Floor
Costa Mesa, California 92626
Telephone: 714-513-5100
Facsimile: 714-513-5130

Attorneys for Plaintiff

JOANNE MANALO

ak@kuchinskylawoffice.com
wklein@sfbizlaw.com

Alexei Kuchinsky
KUCHINSKY LAW OFFICE, P.C.
220 Montgomery Street, Suite 2100
San Francisco, CA 94104

William P. Klein
KLEIN LAW GROUP, P.C.
220 Montgomery Street, Suite 2100
San Francisco, CA 94104

☒	(BY ELECTRONIC SERVICE) by electronically mailing a true and correct copy in PDF format through our electronic mail system to the email address(es) set forth above, or as stated on the attached service list per agreement between the parties.
☒	(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


JOEY GONZALEZ