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Attorneys for Plaintiffs LISA SKERL, VICTORIA KROPP, LORI ROARK,
and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN MATEO

LISA SKERL, an individual; VICTORIA
KROPP, an individual; LORI ROARK, an
individual; on behalf of themselves and all
others similarly situated and the general public,

Plaintiffs,

v.

SUTTER BAY HOSPITALS, a California
corporation; and DOES 1 to 100, inclusive,

Defendants.

Case No. 21-CIV-02057

[Assigned For All Purposes To The Hon.
Nancy L. Fineman, Dept. 4]

**DECLARATION OF CLASS
REPRESENTATIVE LISA SKERL IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: January 31, 2023

Time: 2:00 p.m.

Dept: 4

1 I, LISA SKERL, declare as follows:

2 1. I am over the age of eighteen and am a Class Representative Plaintiff in the matter
3 *Skerl et al. v. Sutter Bay Hospitals*. The foregoing is based upon my personal knowledge and, if
4 called as a witness, I could and would competently testify thereto.

5 2. I submit this declaration in support of Plaintiffs' Motion for Preliminary Approval
6 of Class Settlement.

7 3. I was employed as a Surgical Tech for Defendant Sutter Bay Hospitals ("SBH" or
8 "Defendant") between 2019 and 2020. During my time working for SBH, I was subjected to the
9 same wage and hour policies and practices that are at issue in this case, including the
10 Defendant's practice of failing to pay employees all wages owed, failing to provide meal periods,
11 failing to authorize and permit rest periods, failing to provide accurate wage statements, failing
12 to pay myself and other hourly employees the correct regular rate, and related issues.

13 4. Since the beginning of this case, I have been closely involved in assisting my
14 attorneys to prosecute this action, and have done so diligently and aggressively for the past 2.5
15 plus years. Prior to becoming one of the named class representatives in this case, I spoke at
16 length with my attorneys, and relayed to them the alleged illegal wage and hour policies and
17 practices of SBH. I spent countless hours discussing the issues in the case and the possibility of
18 filing a representative action with my attorneys at that time.

19 5. This case was particularly time intensive because of the numerous sets of
20 discovery propounded between the parties, and the volume of documents produced by SBH.
21 During the course of this case, SBH produced thousands of documents, including time and
22 payroll records, and related employment documents, and I communicated with my attorneys to
23 interpret SBH's document production, and discussed the value and importance of those
24 documents with my attorneys. My attorneys also called me to discuss issues pertaining to other
25 current and former employees, and I connected my attorneys with other employees who
26 experienced similar wage and hour issues as myself.

1 6. During the course of this case, I often reviewed discovery responses prepared by
2 my attorneys, and discussed various theories of the case with them, to ensure that the case moved
3 forward against SBH.

4 7. In August 2022, the parties agreed to go to Mediation, and I worked with my
5 attorneys to prepare for the Mediation. I spoke with my attorneys prior to the Mediation, and I
6 attended the Mediation on August 15, 2022, and took a day off of work to attend the Mediation.

7 8. Since the date of the Mediation, I have communicated with my attorneys
8 regarding the settlement terms, and spent many hours reviewing the lengthy settlement
9 agreement, and ensuring that the settlement agreement is fair to all class members.

10 9. As detailed above, I actively participated in all stages of litigation and have been
11 continuously apprised of all aspects of this case. I believe that if not for my efforts and
12 persistence in this case, that the class members would have benefitted far less without my
13 involvement. I am an adequate representative of the hourly employees. My interests are the
14 same as the other hourly non-exempt employees, as SBH uniformly failed to provide compliant
15 meal and rest periods and has a uniform policy and practice to pay meal and rest break penalties
16 at its employees' base rate rather than the regular rate of pay. Additionally, SBH failed to
17 provide legally compliant pay stubs to the entirety of the class. I received the same uniform pay
18 stubs as every other hourly non-exempt employee, and I believe that there are other aspects with
19 the paystubs that are confusing and make it difficult to accurately confirm if the employees are
20 paid correctly.

21 10. I have been diligent, and I believe I acted above and beyond that which was
22 expected of me as a Class Representative throughout all stages of the litigation, up to and
23 including the settlement of this Class Action. I have no claim that was antagonistic to the class. I
24 accepted the potential risk of being liable for the opposing parties' costs if we were unsuccessful
25 in this lawsuit. I have accepted the stigma of being a class representative in a class action labor
26 dispute which could affect my future employability in the hospital industry.

27 11. I believe that the Class Action Settlement and PAGA representative settlement in
28 the gross amount of \$12,000,000.00 obtained on behalf of the class is excellent in view of the

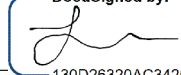
1 complex and varied issues involved with the case. I took into consideration the strength and
2 weakness of the various claims for all employees and along with my attorneys agreed to the
3 settlement. I was prepared to sit for trial, if necessary. I strongly support the settlement in this
4 matter. When I was contemplating settlement, I always kept the best interests of the class and
5 the aggrieved employees in mind over my own and I was not willing to settle the matter until I
6 felt it was in the best interest of all class members and aggrieved employees.

7 12. In addition to performing work on this matter, I assumed a substantial risk in
8 serving as a class representative if the Defendant prevailed in this case. My willingness to
9 assume the financial risk was and is significant. Although I was confident in the merits of this
10 lawsuit, I do not have any substantial savings and bringing this lawsuit was a serious
11 commitment on my behalf and exposed myself to considerable risk. My attorneys have advised
12 me that California law provides that the losing party must pay the prevailing party's costs. As
13 such, if the Defendant had prevailed in this case, I would have been subjected to a cost award in
14 the amount of tens of thousands of dollars. Notwithstanding these risks, I chose to serve in my
15 capacity as Class Representative and pursue all claims against Defendant. Many employees have
16 been afraid to challenge Defendant's policies because they were afraid that they would lose their
17 jobs or suffer a stigma within the health care industry. I had that fear myself, but I pressed on
18 with the case nonetheless.

19 13. Finally, I have signed a general release of all claims up through the date of final
20 approval of the settlement. This is also significant in that I believe my termination was unlawful,
21 in that I complained to SBH about its wage and hour practices, and I believe I was sidelined from
22 work shifts as a result, and ultimately terminated. Thus, I believe that if I had filed a wrongful
23 termination claim, I may have been entitled to compensation far greater than what I am receiving
24 here. I pursued this case to stop SBH's unlawful wage practices, and to right the wrongs that
25 SBH imposed on myself and other non-exempt employees. As such, I believe that \$15,000 for
26 my class representative incentive award is fair and reasonable.

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

3 Executed on 12/8/2022, at San Francisco, California.

4 DocuSigned by:
5 
6 130D26320AC3426...
7 Lisa Skerl