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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

EVELYN MARTINEZ and SANDY ACOSTA, as
individuals and on behalf of all others similarly
situated, and as private attorneys general,

Plaintiffs,

vs.

CITY OF HOPE NATIONAL MEDICAL
CENTER, a California corporation; CITY OF
HOPE, a California corporation; CITY OF HOPE
MEDICAL FOUNDATION, a California
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. CIVDS2015729

[Hon. David Cohn, Department S26]

**DECLARATION OF SANDY ACOSTA
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

Date: June 21, 2022
Time: 10:00 a.m.
Department: S26

Complaint Filed: August 4, 2020
FAC Filed: September 28, 2021
SAC Filed: April 7, 2022

1 I, Simon L. Yang, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and, with the law firm
3 Diversity Law Group, P.C., am one of the attorneys of record for Plaintiff, Evelyn Martinez. I make this
4 declaration on the basis of my own personal knowledge, except as to those matters stated on information
5 and belief and, as to those matters, I believe them to be true. If called as a witness, I could testify
6 competently as to the facts stated in this declaration.

7 2. On July 14, 2020 and July 26, 2021, Plaintiff, Evelyn Martinez, submitted letters to the Labor
8 & Workforce Development Agency ("LWDA") and Defendant, City of Hope National Medical Center,
9 regarding her intent to seek civil penalties for violations of the California Labor Code on behalf of all similarly
10 situated aggrieved employees within California.

11 3. On August 4, 2020, Plaintiff Martinez initiated this class and representative PAGA
12 action. In compliance with Labor Code section 2699(1)(1) and (4), on or about August 4, 2020, my
13 office submitted a copy of the complaint in this matter to the LWDA via online submission from the
14 LWDA's website. On behalf of non-security guard, non-exempt employees, the initial complaint alleged
15 class and PAGA claims based on failures to furnish lawful wage statements. The *Martinez* parties
16 proceeded with discovery, and Plaintiff Martinez conferred with Defendant about additional classwide
17 Labor Code violations.

18 4. On July 27, 2021, the *Martinez* parties attended mediation with Jeffrey A. Ross. The
19 mediation did not result in a resolution. On September 28, 2021, Plaintiff Martinez filed an amended
20 complaint. The *Martinez* parties continued engaging in formal discovery, which included both written
21 discovery and the deposition of Defendant's corporate designee.

22 5. In November of 2021, Plaintiff Martinez, Plaintiff Sandy Acosta, and Defendants agreed
23 to schedule a second mediation. In addition to providing relevant policies and other documents,
24 Defendants also produced a sampling of approximately 25% of non-exempt employee data in advance of
25 the mediation. The discovery and information obtained from Defendants and through other sources
26 allowed me to evaluate the potential value and merit of the claims and defenses. On December 23, 2021,
27 the Parties attended mediation with Paul Grossman, Esq., a mediator with extensive knowledge and
28

DECLARATION OF SANDY ACOSTA

I, **Sandy Acosta**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am a soon to be named plaintiff in the above-captioned case, and the named plaintiff in *Sandy Acosta v. City of Hope, et al.*, Los Angeles County Superior Court, Case No. 21STCV04440 and *Sandy Acosta v. City of Hope Medical Foundation, et al.*, Los Angeles County Superior Court, Case No. 21BBCV00284, which are being resolved along with the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by City of Hope National Medical Center, City of Hope, and City of Hope Medical Foundation (together, "Defendants") as an hourly-paid, non-exempt employee from approximately March 2007 to approximately January 2020. I decided to seek legal advice about my work experiences with Defendants and about pursuing my grievances. I contacted Lawyers for Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure Defendants paid me and other employees what was owed to us and was held accountable for not properly compensating employees for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I investigated complex wage-and-hour and class action lawsuits on my own and did some research into the leading class action and employment law firms in California for approximately **6 hours**. Thereafter, I consulted with the attorneys at Lawyers for Justice, PC for **5 hours** discussing my situation, complex wage-and-hour class actions and representative actions, and what it meant to be a named plaintiff and class and PAGA representative.

3. I have spent over **20 hours** communicating with my attorneys regarding the matter and fulfilling my responsibilities as both a class representative and PAGA representative, which included gathering documents concerning my employment with Defendants, reviewing

documents with my attorneys, answering questions and providing guidance regarding the duties of non-exempt employees, and helping develop a strategy as to what documents and information to obtain from Defendants. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained.

4. Throughout the litigation of the matter, I was available to answer any questions my attorneys had, and available to speak and meet with my attorneys whenever they needed me. I responded to them as quickly as possible and gave them as much information and identified as many documents as I could. I spent at least **14 additional hours** speaking with my attorneys about the cases, identifying potential witnesses, providing my attorneys with documents and information concerning the cases, and also describing policies, practices, and procedures of Defendants. During the discovery phase of the litigation, I spent approximately **12 additional hours** reviewing Defendants' discovery requests, locating and providing responsive documents and information, and working with my attorneys to provide objections, responses, and supplemental responses.

5. On October 11, 2021, I attended a full day of deposition that lasted approximately **7.50 hours**. I spent at least **4 hours** preparing for the deposition. After the deposition, I spent approximately **4 hours** reviewing and discussing the contents of the deposition transcript with my attorneys.

6. As far as settlement negotiations and the settlement are concerned, I was available to consult, review documents, and answer any questions my attorneys had. I spent about **2 hours** reviewing the settlement agreement and about **2 hours** asking questions and discussing the potential settlement with my attorneys before signing the settlement agreement.

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7. I believe that I have done everything that my attorneys have asked of me and have tried, to the best of my ability, to represent the class and seek relief for the aggrieved employees and the State of California. I think my efforts helped to get the result obtained in the matter, and as a class and PAGA representative, I respectfully request that the Court award me a service award in the amount of \$15,000.00 for my active participation in the matter. Taking into consideration the time that I have dedicated to the matter, I believe that this amount is reasonable.

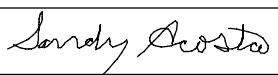
8. I am not related to anyone associated with Lawyers for Justice, PC or Diversity Law Group, P.C..

9. I have not entered into any undisclosed agreements, nor have I received any undisclosed compensation in the matter. The only compensation I will receive is whatever amount the Court awards as a service award, as well as my share of the settlement as a class member and aggrieved employee.

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

4/06/2022

Executed this ____ day of April 2022, at Azusa, California.

Electronically Signed 2022-04-07 05:36:55 UTC - 24.180.17.118

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Sandy Acosta