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MACIEL, and RENE PALACIOS, on behalf of  
themselves and others similarly Aggrieved Employees

Plaintiffs' Counsel continued on next page

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF SACRAMENTO**

VIVIAN LY, on behalf of herself and others  
similarly situated,

Plaintiff,  
v.

PRIME COMMS RETAIL, LLC, a Delaware  
limited liability company; and DOES 1  
through 50, inclusive,

Defendants.

Case No. 34-2020-00281668

**DECLARATION OF JOAN GRAFF IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR APPROVAL OF PAGA  
SETTLEMENT**

Date: November 16, 2021

Time: 9:00 a.m.

Place: Dept. 54

Reservation No. 2591498

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14 MACIEL, and RENÉ PALACIOS, on behalf of  
15 themselves and others similarly Aggrieved Employees  
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I, Joan Graff, declare as follows:

1. The facts set forth in this declaration are true and correct and are known to me personally except those matters stated on information and belief. If called as a witness, I could and would testify competently thereto under oath.
2. I am an attorney licensed to practice before the courts of the State of California.
3. Since 1981, I have served as President of Legal Aid at Work (“LAAW”), formerly known as the Legal Aid Society-Employment Law Center.
4. LAAW was founded in 1916 as the Legal Aid Society of San Francisco and is a nonprofit organization providing civil legal services to the *indigent* consistent with California Code of Civil Procedure 384. For over 100 years, LAAW has provided continuous service with the aim of offering free and high-quality legal assistance to those who are unable to afford legal representation. For more than four decades, LAAW has primarily devoted its resources to protecting the workplace rights of California’s low-wage workers.
5. As a nonprofit organization, LAAW funds its programs and projects from a diverse base of support: (a) donations from individuals, law firms, and businesses; (b) foundation and government grants; (c) allocations of monies from the Legal Services Trust Fund; and (d) *cy pres* distributions.
6. LAAW addresses the full range of employment issues that low-wage workers confront through the following seven programs: (a) Community Legal Services; (b) Disability Rights; (c) Gender and LGBT Equity; (d) National Origin and Immigrants’ Rights; (e) Racial Economic Equity; (f) Wage Protection; and (g) Work and Family.
7. The core of LAAW’s work is providing free legal services to low-wage workers with employment law claims. It litigates cases that address an array of issues important to low-wage workers, including (a) violations of wage-and-hour laws; (b) workplace retaliation; (c) discrimination on account of race, national origin, disability, sex, gender identity, sexual orientation, immigration status and language proficiency; (d) harassment; and (e) failure to comply with equal pay laws and family medical leave laws. Whether in state or federal

1 court, at the trial level or on appeal, nearly all of LAAW's cases impact the law and industry  
2 practices, raise community awareness, and change the course the clients' lives.

3 8. Since 1970, LAAW has defined its mission and devoted its practice to representing low-  
4 wage workers in enforcing the full range of their employment rights. I am informed and  
5 believe that LAAW is one of very few legal services nonprofits in the country that has this  
6 singular purpose.

7 9. With 20 attorneys, LAAW provides services to low-wage employees statewide and, in select  
8 instances, nationwide. LAAW's clients work in sectors in which low-wage work  
9 predominates, including caregiving, construction, hospitality, landscaping, retail, and  
10 transportation, as well as domestic, food, and janitorial services. Many of LAAW's clients  
11 are immigrants, and a significant number of them are monolingual Spanish, Mandarin, or  
12 Cantonese speakers or have limited English proficiency.

13 10. A sampling of wage-and-hour cases LAAW has litigated include the following actions. (1) a  
14 statewide putative class action against a major department store chain to stop the company's  
15 unlawful practice of intimidating its employees into indemnifying it for ordinary business  
16 losses; (2) a statewide wage-and-hour class action on behalf of approximately 650 carpet  
17 installers who were allegedly misclassified as independent contractors, which ultimately  
18 resulted in a settlement fund of over \$3.5 million being distributed to class members who  
19 filed a claim; (3) a statewide class action on behalf of approximately 2,900 caregivers,  
20 against one of the largest healthcare companies in the country, alleging non-payment of  
21 wages and overtime and failure to provide meal and rest periods in facilities, which  
22 ultimately settled for nearly \$2.5 million; (4) a statewide wage-and-hour class and collective  
23 action, brought by approximately 500 asbestos workers against an Orange County company,  
24 which ultimately settled for approximately \$1.5 million; and (5) a putative wage-and-hour  
25 and labor trafficking class action on behalf of janitors who were allegedly misclassified as  
26 independent contractors and required to purchase a franchise, often resulting in indebtedness  
27 and pay below the minimum wage, which resolved in a confidential settlement between the  
28 parties.

1 11. In addition to litigating cases, LAAW represents clients in administrative proceedings before  
2 state agencies including the California Labor Commissioner (“Labor Commissioner”) and  
3 the California Unemployment Insurance Appeals Board (“CUIAB”).

4 12. LAAW has represented clients in wage-and-hour proceedings, including:

5 a. An older, immigrant Latino male who was hired to guard a  
6 construction site for a concrete company. While he was promised \$100 per week, he  
7 was not paid at all. He worked at the construction site, handling everything related to  
8 the tools and equipment. He lived onsite in a shack he built himself from leftover  
9 materials, with no running water and no electricity. LAAW helped him file his wage  
10 claim, and represented him through his two-day, highly contentious Labor  
11 Commissioner hearing, which resulted in an Order, Decision or Award for almost  
12 \$200,000.

13 b. Four Mandarin-speaking construction workers who were not paid for  
14 the work they performed in remodeling a restaurant in San Jose. LAAW obtained a  
15 settlement of \$60,000 for the workers.

16 c. An African American domestic worker in El Cerrito who was not  
17 paid the minimum wage for all hours he worked. In addition, his employer  
18 unlawfully deducted rent from his paycheck. The case settled for \$34,549 – nearly  
19 100 percent of his claim.

20 d. A Filipino caregiver who worked in a private home in San Francisco  
21 who was only paid \$10 per hour (well below the San Francisco minimum wage) and  
22 not paid any overtime, despite working nearly around-the-clock. The client was fired  
23 after she asked her employer for a W-2 instead of a 1099 tax form. LAAW secured a  
24 \$121,000 settlement for the client.

25 e. Three Bay Area limousine drivers who were not paid for the time  
26 they were required to report to the office in the morning and afternoon, not paid the  
27 lawful minimum wage when working in cities with local minimum wages, and not  
28 provided meal and rest breaks. The case settled for a confidential amount.

1 f. A domestic worker recruited from Mexico to work as a nanny and  
2 housecleaner for a family of four in the South Bay. She was promised an hourly  
3 salary but was ultimately not paid, as her employers decided that the room and board  
4 they provided was enough. LAAW represented her, a survivor of labor trafficking,  
5 through the Labor Commissioner process, resulting in a settlement of \$20,000.

6 g. A Filipino caregiver who worked in a residential care facility, who  
7 was paid \$60 a day, despite working and being available to work 24-hour shifts, well  
8 below the state minimum wage. LAAW represented her through the Labor  
9 Commissioner process, settling the case on the eve of hearing for \$25,750.

10 h. A refugee from Uganda who suffered wage theft after arriving in the  
11 U.S. and working as a domestic worker for a family. She had been promised a rate  
12 of \$1000 per month for cleaning and providing childcare, but ultimately was not paid  
13 at all, despite working seven days a week, approximately 14-hour days for over a  
14 year. LAAW represented her through the Labor Commissioner process in San  
15 Diego, which resulted in a judgment of \$177,000.

16 13. LAAW holds Wage Rights Clinics onsite, once a month, at each of the Labor  
17 Commissioner's offices in Oakland, San Francisco and most recently, Santa Rosa. The  
18 Clinics help low-wage workers assess their claims for unpaid wages, calculate the amount of  
19 unpaid wages, and prepare the forms necessary to initiate wage claims before the Labor  
20 Commissioner. In 2017-2020, the Clinic assisted over 450 clients, including many  
21 immigrants with limited English proficiency.

22 14. The Wage Protection Program also represents clients at conferences and hearings before the  
23 Labor Commissioner. In 2017-2020, the Wage Protection Program represented 105 workers  
24 before the Labor Commissioner's Wage Adjudication Unit, securing \$753,997.45 in  
25 settlements and \$667,745.22 in Labor Commissioner awards for wages owed, penalties, and  
26 other available relief.

27 15. Additionally, LAAW's Community Legal Services Program provides advice and counseling  
28 to low-wage workers on the full range of employment law issues they face through fourteen

1 statewide Workers' Rights Clinic locations: Antioch, Berkeley, East Palo Alto, Fresno, Los  
2 Angeles, Merced, Ontario, Sacramento, San Bernardino, San Diego, San Francisco, Santa  
3 Ana, Visalia, and Watsonville. The Community Legal Services Program also participates at  
4 times in a "Mobile Workers' Rights Clinic," where law students and LAAW attorneys travel  
5 to ex-urban and rural sites throughout California to provide basic employment-related legal  
6 services. Finally, Community Legal Services Program volunteers respond to calls on the  
7 Clinic's toll-free hotline that makes LAAW's services accessible to low-wage workers in  
8 more remote areas that are beyond the reach of Clinic sites.

9 16. During the academic year, LAAW also holds a biweekly Workers' Rights Disability Law  
10 Clinic at the Ed Roberts Campus located in Berkeley, California. The clinic provides free  
11 legal counseling, advice, referrals, and limited representation to low-income workers and  
12 job-seekers with disabilities.

13 17. In 2016-2020, LAAW's Workers' Rights Clinic assisted over 11,838 low-wage workers  
14 from all 52 counties throughout California.

15 18. LAAW also represents workers with unemployment insurance claims at the California  
16 Unemployment Insurance Appeals Board. In 2017-2020, LAAW represented 68 clients in  
17 administrative appeals from denials of unemployment benefits with an over 95% success  
18 rate in overturning denials and securing benefits or reversing overpayments.

19 19. LAAW is committed to serving those whose primary language is not English. LAAW  
20 employs multiple bilingual attorneys and other staff who are fluent in English and Spanish,  
21 and a language coordinator who is fluent in Mandarin and Cantonese. The language  
22 coordinator also ensures that interpreters are available when LAAW lacks in-house language  
23 capacity. LAAW also publishes translated versions of its fact sheets and other legal  
24 information on its website in Spanish and Chinese. These tools enhance the reach of LAAW  
25 to workers around the state.

26 20. As part of LAAW's statewide activities, its staff engages in extensive outreach, education,  
27 and training initiatives to inform low-wage workers and their communities, grassroots  
28 advocates, and nonprofits organizations—legal and non-legal—about workplace rights. In

1 particular, LAAW:

- 2 a. Writes a regular employment rights column in the weekly Northern  
3 and Southern California editions of *Sing Tao*, a Chinese newspaper with wide  
4 circulation in the community;
- 5 b. Conducts trainings for domestic violence survivors and service  
6 providers about employment law protections available to survivors;
- 7 c. Provides periodic trainings at the University of California, San  
8 Francisco Medical Center for cancer patients and their caregivers; and
- 9 d. Provides trainings in collaboration with Swords to Plowshares  
10 focused on women veterans and employment.

11 21. To extend its expertise beyond its doors, LAAW composes and distributes a wide range of  
12 self-help and informational materials. These include: 90 topic-specific “Your Legal Rights”  
13 fact sheets which are drafted in plain language and nearly all are translated into Chinese and  
14 Spanish for use by workers and advocates; the Employment Law Manual, a complete  
15 compendium of California employment laws used as a basic resource and reference tool by  
16 students, attorneys and nonprofit organizations around the state; and a website providing  
17 workplace know-your-rights information.

18 22. LAAW also offers its expertise to other nonprofit organizations—legal and non-legal. For  
19 example, as part of the Coalition of Low-Wage and Immigrant Worker Advocates, LAAW  
20 participates in an annual conference, monthly conference calls, and regular meetings with  
21 administrative agencies such as the Labor Commissioner and the CUIAB. In addition,  
22 LAAW is a leading member of the statewide Work and Family Coalition, a member of the  
23 nationwide Freedom Network, the largest coalition working to ensure that trafficked persons  
24 have access to justice, safety, and the San Francisco’s Mayor’s Anti-Human Trafficking  
25 Taskforce. Finally, LAAW works closely with the Inland Empire Fair Chance Coalition-  
26 providing its members with advice on several Fair Chance cases filed at the California  
27 Department of Fair Employment and Housing and hosting several trainings with the  
28 Coalition.

23. Actively participating as *amicus curiae* is an integral part of LAAW's statewide efforts to protect the rights of low-wage workers and advance their interests in key appellate court cases. These cases include *Kirola v. City and County of San Francisco* (Case No. 14-17521); *Turman v. Koji's Japan Inc.* (Case No. G051871); *Sonic-Calabasas v. Moreno* (Case No. S174475) (*Sonic II*); *Harris v. City of Santa Monica* (Case No. S181004); *Dedinas v. Superior Court, County of Los Angeles* (Case No. S182827); *Paratransit, Inc., v. Medeiros* (Case No. 204221); *Wills v. Superior Court, County of Orange* (Case No. G043054); *Law School Admissions Council v. State of California* (Case No. C073187); *Oman, et al. v. Delta Air Lines, Inc.*, Case No. S248726 (Cal. Supreme Court, February 2019); and *Skidgel v. California Unemployment Insurance Appeals Board*, Case No. S250149 (Cal. Supreme Court, April 2019).

24. The breadth of LAAW's work throughout California is enhanced immeasurably by *cy pres* awards. They have assumed an increasingly important place among its revenue sources. Consistent with the claims of employment class actions these funds are used to protect the workplace rights of low-wage workers by helping LAAW to maintain programs and undertake initiatives in response to urgent community needs. *Cy pres* awards fund not only general operating expenses but also special projects. These include: (a) a training video for student volunteers on how to conduct a client interview in the Workers' Rights Clinic; (b) translation of dozens of fact sheets into Chinese and Spanish; and (c) the design and implementation of an online registration system for the more than 100 attorney volunteers who participate annually as supervisors with the Workers' Rights Clinic sites statewide.

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25. If awarded *cy pres* funds from the instant case, LAAW intends to devote such funds to providing free legal assistance, including advice, education, and representation, to low-wage workers with wage and hour and other employment-related claims.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed on this 21st day of October, 2021 at San Francisco, California.

Joan Jeff