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 6 and BELINDA LECHUGA individually and on behalf of similarly situated employees

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 8 **SUPERIOR COURT OF CALIFORNIA**
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 10 **FOR THE COUNTY OF SACRAMENTO**

11 SHIELA KEE and SILBIA GUTIERREZ and
 12 BELINDA LECHUGA, individually and on
 13 behalf of all other similarly situated
 employees,

14 Plaintiffs,

15 vs.

16 DR. JEFFREY A. SALADIN, DENTAL
 17 CORPORATION (D/B/A CHILDREN'S
 18 CHOICE PEDIATRIC DENTAL CARE), a
 19 California Corporation; CC AMULET
 20 MANAGEMENT, LLC., a Delaware Limited
 Liability Company; and DOES 1 to 100,
 inclusive,

21 Defendants.
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Case No. 34-2020-00290072

CLASS ACTION

*Assigned for All Purposes to Hon. Lauri A.
 Damrell, Department 28*

**DECLARATION OF SHIELA KEE IN
 SUPPORT OF PLAINTIFFS' MOTION FOR
 FINAL APPROVAL OF CLASS ACTION
 AND PAGA SETTLEMENT**

Reservation No. 2678139

Date: January 13, 2023

Time: 9:00 a.m.

Dept.: 28

Judge: Hon. Lauri A. Damrell

Filed: December 8, 2020

FAC Filed: March 2, 2021

Trial Date: None Set

1 I, Shiela Kee, declare:

2 1. I am a competent adult, I have personal knowledge of the facts set forth in this
3 declaration, and I am making this declaration on behalf of myself, as a named plaintiff, and in support
4 of Plaintiffs' Motion for Final Approval of Class Action and PAGA Settlement.

5 2. I worked for Defendants Dr. Jeffrey A. Saladin, Dental Corporation (D/B/A Children's
6 Choice Pediatric Dental Care), and CC Amulet Management, LLC ("Defendants"), from approximately
7 September 23, 2019, to September 8, 2020, as a non-exempt employee. I was subject to all of
8 Defendants' policies and practices that have been alleged as unlawful in the Complaint and the notices
9 sent to the Labor and Workforce Development Agency, including the following: failure to pay
10 overtime, failure to pay minimum wages, failure to provide accurate wage statements, failure to provide
11 meal and rest periods or pay premiums in lieu thereof, failure to reimburse expenses, and violation of
12 Labor Code section 558.

13 3. I have actively participated in the litigation of this case for the benefit of all Class
14 Members. Prior to obtaining an attorney, I performed several hours of research trying to find a quality
15 attorney to handle the claims. I also performed several hours of research on the potential claims, so I
16 could be sure I could have an informed discussion with the attorneys about the claims and have a better
17 idea of what to expect in litigation and how to help the case proceed. After securing Shimoda &
18 Rodriguez Law, PC, I continued to be actively involved in the case to help ensure a positive outcome.

19 4. My attorneys explained to me the risks and benefits of bringing a class action and a
20 claim under the Private Attorneys General Act ("PAGA"). I understood that pursuing the case on a
21 representative basis meant that it would take substantially longer than pursuing my claims individually,
22 whether in Court or with the California Labor Commissioner, and that I risked getting nothing in the
23 end, but I believed it was important to make sure that Defendants followed the law for everyone. I
24 understood that I took on the risk, both professionally and financially, in pursuing the case on a
25 representative basis rather than pursuing my claims individually. As a Class Representative, I also took
26 on the risk of having to pay Defendants' costs if we were unsuccessful in bringing our claims.

27 5. During the course of this litigation, I have given detailed accounts of all the facts related
28 to my employment and spent a substantial amount of time searching for documents and witnesses that

1 could help support the claims. I provided my attorneys with extensive documentation that I believe
2 supported the claims brought against Defendants, including payroll records, time records, policy
3 memos and handbooks, text messages and phone records, and documents relating to bonus
4 compensation. I met with and assisted my attorneys in understanding these documents and providing
5 context for Defendants' payroll process as it applied to me and how I believed it applied to Defendants'
6 other employees. I worked at multiple office locations, such as Stockton, Vacaville, and Natomas. I
7 was subject to the same policies and practices at these locations, so I was able to discuss the similarities
8 of the wage and hour policies and practices among all Class Members.

9 6. The work I performed for this case included an extensive review of documents and
10 payroll practices to show and explain to my attorneys what was happening and why I thought it was
11 unlawful. For example, I spent a substantial amount of time discussing the bonus compensation policy,
12 including the various types of bonuses that could be earned, the circumstances under which they would
13 be earned, and conversations had with various supervisors and management regarding the bonus
14 compensation. I went through my pay history with my attorneys to explain how the payments were
15 documented on our paystubs and what other indicators they could look for in the records to demonstrate
16 the types of bonuses paid and circumstances surrounding the bonuses. I also explained the computer
17 kiosk login locations and processes at each of the office locations I worked at to support the off-the-
18 clock claims. I explained the timekeeping system and what the different entries meant to help try to
19 show where there could be evidence of off-the-clock work. In addition, I provided text messages to my
20 attorneys and helped explain to them that I would use applications on my cell phone to communicate
21 with staff, including supervisors and managers. This was very important as it helped not only the
22 overtime, minimum wage, and reimbursement claims, but also claims related to waiting time penalties
23 and failure to provide accurate wage statements. I worked with my attorneys to review Defendants'
24 practices and written policies to reconstruct the timeline and facts of this case and help support our
25 allegations. More detailed and time-consuming discussions with my attorneys occurred in connection
26 with the review of information and documents for mediation that were part of the informal information
27 and document exchange, such as a payroll data sample. I also spent a substantial amount of time
28 identifying and speaking to potential witnesses who could speak to my attorneys to give their own

1 insights and provide declarations. I spoke to Belinda Lechuga and Silbia Gutierrez who eventually
2 became Plaintiffs in this case. Although the case was not filed until approximately December 8, 2020, I
3 have been working with Shimoda & Rodriguez Law, PC, to provide documents and information for this
4 case since approximately September 4, 2020.

5 7. I participated in the negotiations and settlement discussions in this case, including
6 participating in mediation by phone, speaking with my attorneys to answer questions, provide any
7 additional information needed to assist the negotiations, and discussing the potential terms of the
8 Agreement to evaluate its adequacy. There were also many phone calls leading up to, and after,
9 mediation covering statistics relating to the data sample, negotiation strategies, and the status of the
10 negotiations. The discussions after mediation lasted for several months and I followed up with my
11 attorneys on almost a weekly basis to get updates and discuss next steps. Throughout the course of this
12 litigation, I have asked questions when I needed clarification about various aspects of this case to make
13 sure there were continually steps taken to advance the interests of Class Members.

14 8. Although I have already spent a substantial amount of time on this case and assisting my
15 attorneys, I expect the amount of time I spend on this case will increase if final approval is granted
16 because Class Members will likely reach out to me about the Settlement and the process for receiving
17 payment. I estimate that I have spent approximately 150-175 hours on this case.

18 9. I have not received any benefits as a result of filing this lawsuit. I have, however,
19 experienced substantial burdens as a result of filing the lawsuit that other Class Members were not
20 subject to. For example, in bringing the lawsuit, I assumed the risk of having to pay Defendants' costs
21 if the Court or jury rules against us on the claims. My understanding is that this is a substantial risk
22 because the costs associated with litigation, in general, are very high and this cost is multiplied many
23 times over in complex litigation like class actions. I have spent a substantial amount of time in this
24 case, securing a monetary benefit for many individuals who have not had to do anything whatsoever to
25 have the opportunity to receive it. I have been employed full time during the majority of the time this
26 case has been pending. As a result, the time I have spent on this case has to occur during my lunch
27 and/or breaks times, after hours, and on my days off. This is particularly challenging because I have
28 two children. Providing care for my children while working full time and trying to prosecute this case

1 for the benefit of all Class Members has been very challenging. Keeping track and trying to ensure
2 progress on in this case through the litigation has caused me a lot of anxiety and stress. Finally, as part
3 of the Settlement, I and the other named Plaintiffs are the only individuals providing a general release
4 of all our individual claims and waiving the protections of California Civil Code section 1542 for
5 unknown claims. No other Class Members are subject to such a broad release.

6 10. I have reviewed the final Joint Stipulation of Class Action and PAGA Settlement and
7 Release, discussed the terms with my attorney, and asked my attorney any questions I had. I believe
8 the terms of the Settlement and allocations are fair and reasonable given the facts of the case.

9 11. I understand that any Class Representative Enhancement Payment I may receive is for
10 my participation as a Class Representative and it is not contingent on my support or approval of the
11 Agreement.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing is
13 true and correct. Executed this 15th of December 2022 in Stockton, California.

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DocuSigned by:
Shiela Kee
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Shiela Kee