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

7
 8 **SUPERIOR COURT OF CALIFORNIA**
 9
 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.

Case No. 34-2020-00290072

CLASS ACTION

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

**DECLARATION OF SILBIA GUTIERREZ 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, Silbia Gutierrez, 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 November 21, 2019, to August 18, 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 notice
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 researched the claims I wanted to bring and what attorneys
15 could help me, so I could be sure the attorney had experience with my type of claims and I could have
16 an informed discussion with the attorneys about the claims. This also helped me have a better idea of
17 what to expect in litigation and how to help the case proceed. After securing Shimoda & Rodriguez
18 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 as a
21 class and PAGA action meant that it would take substantially longer than pursuing my claims
22 individually, whether in Court or with the California Labor Commissioner, and that I risked getting
23 nothing in the end, but I believed it was important to make sure that Defendants followed the law for
24 everyone. I understood that I took on the risk, both professionally and financially, in pursuing the case
25 as a class and PAGA action rather than pursuing my claims individually. As a Class Representative, I
26 also took 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. I provided my attorneys with extensive documentation that I believe supported the

1 claims brought against Defendants. I met with and assisted my attorneys in understanding these
2 documents and providing context for Defendants' payroll process as it applied to me and how I
3 believed it applied to Defendants' other employees. I worked multiple office locations, such as
4 Stockton and Natomas. I was subject to the same policies and practices at these locations, so I was able
5 to discuss the similarities of the wage and hour policies and practices among all Class Members.

6 6. The work I performed for this case included an extensive review of documents and
7 payroll practices to show and explain to my attorneys what was happening and why I thought it was
8 unlawful. For example, I explained how the bonus process worked and went through the payroll
9 documents with my attorneys to show how it was implemented across multiple pay periods. Also, I
10 explained to my attorneys the computer kiosk login locations and process to support the off-the-clock
11 claims. I went through the documents with my attorneys and explained what codes and information
12 that showed up in them that I felt could be used to show off-the-clock work occurred. I also went
13 through a substantial number of text messages and phone records with my attorneys to support the
14 reimbursement claims and show the times these calls and messages were occurring. This was very
15 important as it helped not only the reimbursement claims, but also the overtime, minimum wages, and
16 meal and rest period claims. The review became even more detailed leading up to mediation and after
17 mediation when my attorneys asked me questions about the payroll data sample that was produced as
18 part of informal discovery to engage in mediation. I have also spoken to several Class Members who
19 received the notice of settlement and answered questions they had, including making sure they were
20 able to speak to my attorneys to help explain any legal questions they had about it. I have also spent a
21 substantial amount of time speaking to the other named representatives, Shiela Kee and Belinda
22 Lechuga, to coordinate taking steps to progress the case. Although I did not become a named
23 representative in the matter until approximately March 2, 2021, I have been working with Shimoda &
24 Rodriguez Law, PC, to provide documents and information for this case since approximately
25 November 10, 2020.

26 7. I participated in the negotiations and settlement discussions in this case, including
27 participating in mediation by phone, speaking with my attorneys to answer questions, provide any
28 additional information needed to assist the negotiations, and discussing the potential terms of the

1 Agreement to evaluate its adequacy. I had many calls with my attorneys to consult about the strategy
2 and negotiations leading up to mediation and the negotiations that followed mediation for several
3 months. Throughout the course of this litigation, I have asked questions when I needed clarification
4 about various aspects of this case to make sure there were continually steps taken to advance the
5 interests of Class Members.

6 8. Although I have already spent a substantial amount of time on this case and assisting my
7 attorneys, I expect the amount of time I spend on this case will still increase if final approval is granted
8 because Class Members will likely reach out to me about the Settlement as well as the timing and
9 process for receiving payment. I estimate that I have spent approximately 110 to 130 hours on this
10 case.

11 9. I have not received any benefits as a result of filing this lawsuit. I have, however,
12 experienced substantial burdens as a result of filing the lawsuit that other Class Members were not
13 subject to. For example, in bringing the lawsuit, I assumed the risk of having to pay Defendants' costs
14 if the Court or jury ruled against us on the claims. My understanding is that this is a substantial risk
15 because the costs associated with litigation, in general, are very high and this cost is multiplied many
16 times over in complex litigation like class actions. I have spent a substantial amount of time in this
17 case, securing a monetary benefit for many individuals who have not had to do anything whatsoever to
18 have the opportunity to receive it. I have been employed full time during the majority of the time this
19 case has been pending. As a result, the time I have spent on this case has to occur during my lunch
20 and/or breaks times, after hours, and on my days off. Rather than spend this time pursuing my own
21 personal interests with friends and/or family, I have spent this time for the benefit of Class Members. I
22 have also experienced the stress associated with bringing litigation that no other Class Member has had
23 to experience other than the named Plaintiffs. Finally, as part of the Settlement, I and the other
24 Plaintiffs are the only individuals providing a general release of all our individual claims and waiving
25 the protections of California Civil Code section 1542 for unknown claims. No other Class Members
26 are subject to such a broad release.

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

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

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

— DocuSigned by:

Silbia Gutierrez

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Silbia Gutierrez