

Galen T. Shimoda (Cal. State Bar No. 226752)
Justin P. Rodriguez (Cal. State Bar No. 278275)

Shimoda & Rodriguez Law, PC
9401 East Stockton Boulevard, Suite 120
Elk Grove, CA 95624
Telephone: (916) 525-0716
Facsimile: (916) 760-3733

Attorneys for Plaintiffs SHIELA KEE, SILBIA GUTIERREZ,
and BELINDA LECHUGA individually and on behalf of similarly situated employees

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

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

Plaintiffs,

vs.

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

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
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Reservation No. 2662199

Date: September 16, 2022
Time: 9:00 a.m.

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 Preliminary 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. I have given a detailed account
14 of all the facts related to my employment and the claims asserted in the Complaint. I provided
15 extensive documentation in support of the claims brought against Defendants including paystubs,
16 Defendants' policies, and other documents related to my work with Defendants and to the claims
17 brought in the class action. I met with and assisted my attorneys Galen T. Shimoda and Justin P.
18 Rodriguez in understanding the documents and providing context for Defendants' payroll process as it
19 applied to me and how I believed it applied to Defendants' other employees.

20 4. My attorneys explained to me the risks and benefits of bringing a class action and a
21 claim under the Private Attorneys General Act. I understood that I took on the risk, both professionally
22 and financially, in pursuing the case as a class and representative action rather than pursuing my claims
23 individually. I understood that pursuing the case as a class action meant that it would take substantially
24 longer than pursuing a claim with the California Labor Commissioner and that I risked getting nothing
25 in the end, but I believed it was important to make sure that Defendants followed the law for everyone.

26 5. I maintained communication with my attorneys throughout the litigation, discussing the
27 facts and policies at issue in the case with Shimoda & Rodriguez Law, PC. I asked questions when I
28 needed clarification about various aspects of this case to make sure there were continually steps taken

1 to advance the interests of the class. I also understood that the recovery in this case was for the benefit
2 of my fellow coworkers, not just for me. When my attorneys contacted me asking for more
3 information or documents related to the case, I made myself available and tried to give or obtain any
4 additional information I could. I participated in the negotiations and settlement discussions in this case,
5 including providing information for mediation by phone, speaking with my attorney to answer
6 questions, providing any additional information needed to assist at mediation and the post-mediation
7 negotiations, and discussing the potential terms of the Agreement to evaluate its adequacy.

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

11 7. As a Class Representative, I took on the risk of having to pay Defendants' costs if we
12 were unsuccessful in bringing our claims.

13 8. I understand that any Class Representative Enhancement Payment I may receive is for
14 my participation as a Class Representative and it is not contingent on my support or approval of the
15 Agreement. I do not believe I have any conflicts with any Class Members.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing is
17 true and correct. Executed this 7/27/2022 of July 2022 in Stockton, CA, California.

18
19
20
21
22
23
24
25
26
27
28

DocuSigned by:
Silbia Gutierrez
49038F2A1B0546F...
Silbia Gutierrez