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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

ERYN WHITE, on behalf of himself and
on behalf of all persons similarly situated,

Plaintiff,

vs.

ADVANCED HOME HEALTH, INC.,
California Corporation; ADVANCED HOME
HEALTH HOSPICE, INC. a California
Corporation; ADVANCED HOME HEALTH
NORTHBAY, INC. a California Corporation;
ADVANCED HOME HEALTH SAN DIEGO,
INC., a California Corporation; and DOES 1
through 50, Inclusive,

Defendants.

Case No. **34-2021-00295374**

**DECLARATION OF ERYN WHITE IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: June 28, 2022

Hearing Time: 9:00 a.m.

*[Hearing scheduled by Order dated
February 24, 2022]*

Judge: Hon. Jill H. Talley

Dept: 25

Action Filed: February 26, 2021

Trial Date: Not set

1 I, Eryn White, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Final Approval of
4 Class Action Settlement and in support of my application for a Class Representative Service
5 Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I worked for the Defendants (“Advanced Home Health”) as a Physical Therapist
10 Assistant in California from November of 2019 to October of 2020 and I was classified by
11 Advanced Home Health as a non-exempt employee during that time period.
12

13 4. I retained the law firm of Blumenthal Nordrehaug Bhowmik De Blouw LLP, who are
14 experienced in both class action litigation and claims against employers for violations of the
15 California Labor Code. I have no personal relationship or family ties to my attorneys or any
16 officer of the Court. I am not involved in any litigation against another member of the class in
17 this case and my attorneys are not working on my behalf in another capacity other than
18 representing me in this lawsuit.

19 5. I decided to file this class action lawsuit for the benefit of myself and other current
20 and former non-exempt employees who worked for Advanced Home Health and be a class
21 representative because I felt that my legal rights as an employee and others like me were
22 violated. For example, I had to travel to different locations regularly to perform therapy sessions
23 but Advanced Home Health did not reimburse to me all the money they should have for mileage.
24 Also, my wage statements were defective because they should have stated the total number of
25 hours I worked but they did not. In addition, Advanced Home Health did not provide separate
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1 hourly pay for rest periods and also did not pay me for the time I spent traveling to and from
2 therapy appointments and also for the time I spent before and after my shift performing work
3 such as documenting my visits at the end of the work day.

4
5 6. This class action case was filed on February 26, 2021. Before the complaint was filed I
6 spoke to my attorneys several times and discussed how Advanced Home Health implemented its
7 company policies and procedures. I also assisted my attorneys in their investigation into my
8 claims by providing them documents and answering their questions. I reviewed the complaint
9 before it was filed and after it was filed I was given access to an electronic file sharing program
10 that alerted me via email when important documents were filed so that I could review them and
11 keep up with the developments in the case which I understood was one of my duties as a class
12 representative. I would also contact my attorneys from time to time if I had any questions about
13 the case.
14

15 7. Even though this action is in the process of settling, I was and remain prepared to
16 perform all the duties of a class representative. I understand that as a class representative I have
17 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent non-
18 exempt employees who worked for Advanced Home Health during the class period. I have
19 understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the
20 members of the class and surrender any right to compromise the group action for an individual
21 gain.
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23 8. I understood that being a plaintiff/class representative in this case meant that I
24 was seeking damages not only for myself but also other current and/or former non-exempt
25 employees working for Advanced Home Health in California. I felt that this group of current
26 and former employees were not aware of their labor law rights and even if they were they would
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1 probably be apprehensive about speaking up or even simply because of the time, effort and risk
2 involved in filing a class action lawsuit.

3 9. I understood that being a part of this lawsuit involved risks. For example, my
4 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
5 pay for all or part of the attorney fees and costs paid by Advanced Home Health to defend this
6 lawsuit. Also, I knew there was a risk that future employers, if they ever found out about this
7 lawsuit, could hold it against me or downgrade me as a potential hire. As the only named
8 Plaintiff in this case it would not be difficult for a future employer to become aware that I sued a
9 former employer for labor law violations. Ultimately I decided these risks were worth it and
10 decided to fight for my rights and the rights of others regardless of the risks, time and effort I
11 spent on this case.
12

13
14 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
15 kept up to date on important developments by reviewing court filings that were made available to
16 me electronically as I described above.

17 11. A mediation took place on August 18, 2021 with Francis Ortman, an experienced
18 mediator of wage and hour class actions. Following the all-day mediation session, the parties
19 agreed to settle the action. I spoke with my attorneys regarding the terms of the settlement which
20 was reached between the parties and understood that I was representing absent class members
21 and therefore wanted the best possible result to be obtained for the class and I believe a very
22 positive result was in fact achieved via settlement. I reviewed and signed the Memorandum of
23 Understanding on August 18, 2021 and when the final settlement papers were ready, I closely
24 reviewed the Settlement Agreement which I signed on November 24, 2021.
25

26 12. I have been actively involved with this class action lawsuit performing the duties
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1 described above. Although I did not keep time records, I was in regular contact with my
2 attorneys, reviewed important court filings and spent a significant amount of time on the issues
3 presented during the lawsuit and in the settlement process. I estimate that I spent approximately
4 forty to fifty hours working on this case. I believe I have been diligent and have done what is
5 expected of a named plaintiff and proposed class representative to date, and will continue to do
6 so. I have and always will maintain the best interest of the class.
7

8 13. My attorneys explained to me that the settlement process involves a two-step
9 review by the Court to determine whether the settlement is fair before approving the settlement.
10 I know this process also involves notifying all class members of the settlement terms and of their
11 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
12 settlement.
13

14 14. I believe I did the right thing by filing this case on behalf of the class who are in
15 line to receive monetary payments as a result of this case and settlement. I also believe that the
16 requested Class Representative Service Payment of \$10,000 from the settlement is fair
17 compensation for the work I performed and the risks I undertook.

18 15. As part of the settlement it was necessary for me to sign a general release of all
19 class and PAGA claims I may have against Advanced Home Health. I believe the Class
20 Representative Service Payment I have requested provides me with some compensation for this
21 agreed release.
22

23 16. I also have additional individual wrongful termination and retaliation claims
24 against Advanced Home Health that are related to my separation from the company. The
25 additional individual claims regarding alleged wrongful termination and retaliation are unrelated
26 to and separate from the class claims and PAGA claims. I have entered into a separate
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1 agreement with Advanced Home Health to settle these individual claims.

2
3 17. In light of all the time and effort I have spent on this case, the risk I undertook by
4 suing a former employer, the exposure to being responsible for paying Advanced Home Health's
5 costs in the event we did not win the case, the reputational risk that future employers may hold
6 this lawsuit against me, the general release, and in light of the size of the settlement, I believe the
7 request for \$10,000 as a Class Representative service payment is fair and reasonable.

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

10 Executed on May 24, 2022, at Yuba City, Ca.
11 (city, state)

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13 Eryn White (May 24, 2022 18:59 PDT)

14 Eryn White
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