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5 Attorneys for Plaintiff, and all others  
6 similarly situated.  
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF SAN DIEGO – CENTRAL**

11 LIZBETH GARCIA, on behalf of herself  
and all others similarly situated,

12 Plaintiffs,  
13 v.

14 THE BAY CLUBS COMPANY, LLC; and  
DOES 1 through 50, inclusive.

15 Defendants.  
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CASE NO.: 37-2018-00029247-CU-OE-CTL

**DECLARATION OF JEYSON PINEDA IN  
SUPPORT OF PLAINTIFFS' UNOPPOSED EX  
PARTE APPLICATION FOR APPROVAL OF  
PAGA SETTLEMENT**

Date: March 8, 2022  
Time: 8:30 a.m.  
Judge: Hon. Gregory W. Pollack  
Dept: C-71  
Complaint Filed: June 13, 2018  
Trial Date: January 14, 2022

*[filed concurrently with Plaintiff Lizbeth Garcia's  
Notice of Unopposed Ex Parte Application;  
Plaintiff's Unopposed Ex Parte Application  
Declaration of Jeffrey L. Hogue; Declaration of  
Devon K. Roepcke; Declaration of William M.  
Turner; Declaration of Ernesto Sanchez;  
Declaration of Lizbeth Garcia; Declaration of  
Patricia Calderon; Declaration of Caroline  
Salazar; Notice of Lodgment; Proposed Order;  
Proposed Judgement; Request for Judicial Notice]*

1 I, Jeyson Pineda, declare as follows:

2 1. I am one of the Plaintiffs and PAGA representatives in the action *Jeyson Pineda,*  
3 *et al. v. The Bay Clubs Company, LLC, et al.*, San Mateo County Superior Court Case No.  
4 18-CIV-05996 (the “*Pineda Action*”). I have personal knowledge of the facts stated herein, except  
5 for those stated on the basis of information or belief, which I believe to be true.  
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7 2. I started working for Defendants on or about April 2017 as a housekeeper cleaner  
8 at Defendants’ Redwood City facility. My employment with Defendants ended on March 2018.

9 3. As alleged in my complaint, Defendants underpaid or did not pay me for all my  
10 hours worked, overtime hours worked, missed meal and rest breaks, wages due upon separation of  
11 employment, and my wage statements were not complete and accurate, among other violations of  
12 law.

13 4. With respect to my unpaid wage claim, I noticed that Defendants’ timekeeping  
14 system was not accurately recording my shift start and end times and undercompensating me. My  
15 hours worked, as reflected in my pay stubs, were inaccurate and accounted for less hours than  
16 what I actually worked for Defendants. On several occasions, I noticed that Defendants were  
17 paying some of my overtime hours worked at my regular rate of pay. Additionally, Defendants  
18 required me on several occasions to clock in and out of meal breaks that I did not take because I  
19 was working during that time. Defendants failed to properly compensate me for time spent  
20 working while clocked in for meal breaks.

21 5. With respect to my meal break claim, Defendants failed to provide me with all  
22 uninterrupted thirty (30) minute meal breaks outside Defendants’ control for every five (5) hours  
23 worked. My heavy workload and Defendants being short-staffed caused me to not have enough  
24 time take all meal breaks that I was entitled to take. I would be reprimanded if I did not finish all  
25 my tasks on time. On several occasions, I was reprimanded for attempting to take a meal break.  
26 As previously noted, there were also occasions when I was forced to clock in for meal breaks and  
27 continue working. Defendants failed to pay me one additional hour of pay at my regular rate of  
28 compensation for each workday that I did not receive proper meal breaks.

1           6.           With respect to rest breaks specifically, Defendants failed to provide me with all  
2           uninterrupted ten (10) minute rest breaks for every four (4) hours worked or major fraction  
3           thereof. Again, the heavy amount of work assigned to me by Defendants, along with Defendants  
4           being short-staffed, prevented me from taking all rest breaks that I was entitled to take. Also,  
5           during a meeting, my supervisor told several employees, including me, that we had to follow  
6           orders at all times, even if we were on breaks. Defendants failed to pay me one additional hour of  
7           pay at my regular rate of compensation for each work day that I did not receive a proper rest  
8           breaks.

9           7.           These were Defendants' employment practices with respect to me and other  
10          employees, which is the reason I brought this lawsuit on an individual basis and as a Private  
11          Attorney General.

12          8.           On or about August 1, 2018, I assisted my attorneys in preparing and transmitted  
13          to the LWDA a letter outlining various labor code violations, including, but not limited to: (1)  
14          failure to pay all wages earned, including overtime pay, within their respective pay period, in  
15          violation of Labor Code §§ 204, 223, 510, 1194, 1197, and §§ 3 and 4 of IWC Wage Order 5-  
16          2001; (2) failure to provide accurate wage statements as required by Labor Code § 226; (3) failure  
17          to pay for missed meal and rest periods in violation of Labor Code §§ 226.7, 512, and §§ 11 and  
18          12 of IWC Wage Order 5-2001; and (4) failure to pay all wages owed upon discharge or  
19          resignation in violation of Labor Code §§ 201 and 202.

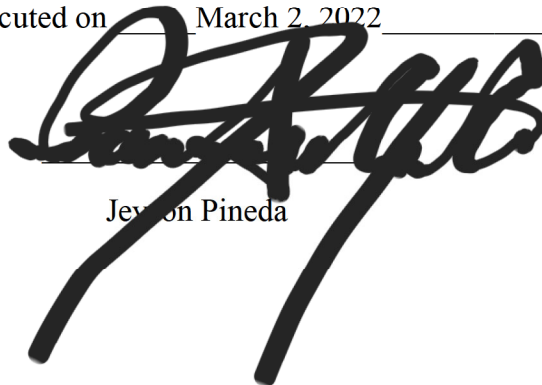
20          9.           On November 6, 2018, I assisted my attorneys in preparing and filing an  
21          individual and PAGA civil complaint against Defendants for the Labor Code violations as  
22          described in my letter to the LWDA. In fulfillment of my responsibilities as a PAGA  
23          representative, I spent between ten (10) to twenty (20) hours on the representative aspects of this  
24          case in order to get my attorneys all documents that I had in my possession regarding my  
25          employment, review documents turned over by Defendants, and answer my attorneys' many  
26          questions about the practices and procedures of Defendants, among other things. I provided my  
27          attorneys with documents and information about, among other things, Defendants' wage and hour  
28          policies, practices, and deficiencies, including, without limitation, detailed information on

1 Defendants' meal and rest break policies, and practice of requiring but not compensating for all  
2 hours worked.

3 10. I assisted my attorneys with the mediation session that occurred on October 1,  
4 2021, with the Hon. Lisa H. Cole (Ret.), and the subsequent informal negotiations that occurred  
5 with and without Judge Cole's involvement. I believe the settlement of this and the other PAGA  
6 actions is fair and an excellent result.

7 11. I understand now that my name is in the public record as having filed a civil  
8 lawsuit against my former employer as well as sending a letter to the Labor Workforce and  
9 Development Agency about Defendants' labor practices. A lot of employers are using background  
10 checks before they hire someone. Background checks are becoming more and more sophisticated  
11 and will certainly pick up one or both of my filings. I do believe that most employers would not  
12 hire a person who previously sued his or her employer for fear that it might happen again.

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14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct. Executed on March 2, 2022.

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18 Jeyson Pineda  
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