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Attorney for Plaintiff, Lizbeth Garcia

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO – CENTRAL DIVISION

LIZBETH GARCIA

Plaintiff,

v.

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

Defendant(s).

) CASE NO.: 37-2018-00029247- CU-OE-CTL

)

) **DECLARATION OF LIZBETH GARCIA IN**

) **SUPPORT OF AGGRIEVED PARTIES'**

) **UNOPPOSED MOTION FOR PAGA**

) **SETTLEMENT APPROVAL**

)

) Date: February 8, 2022

) Time: 8:30 a.m.

) Dept.: C-71

) Judge: Hon. Gregory W. Pollack

)

) Action Filed: June 13, 2018

) Trial Date: January 14, 2022

1 I, Lizbeth Garcia, declare as follows:

2 1. Except as otherwise indicated, I have personal knowledge of the facts set forth in
3 this Declaration and if called to testify under oath, could and would testify competently thereto.

4 2. This Declaration is submitted in support of approval of the representative
5 enhancement and PAGA action settlement in this matter.

6 3. I am a PAGA representatives in the above-captioned wage and hour PAGA
7 Action (the "Action") brought against defendant The Bay Clubs Company, LLC (hereinafter
8 "Defendant").

9 4. I worked for Defendant as the golf window attendant at their Fairbanks Ranch
10 country club. During that time, I was always an hourly employee (a non-exempt employee). As
11 this case alleged, Defendant failed to provide meal breaks, and the wage statements they provided
12 did not accurately identify Defendant as my employer. Other employees suffered these same
13 violations. That is why I brought this lawsuit.

14 5. I understand there are risks in any lawsuit, and as an hourly employee, it took all
15 of my courage to stand up against the Defendant – a large corporation who has vastly more
16 resources at their disposal than do I. Despite my reasonable fears about prosecuting this case
17 against such formidable adversaries, I did not let this prevent me from bringing filing a lawsuit
18 because I saw how Defendant was treating its employees. Defendant's labor practices were
19 treating the hourly employees very unfairly. It was failing to provide meal breaks, and obscuring
20 who actually employed the workers to make it more difficult to bring legal action. So, I proceeded
21 with this action, to try to obtain recovery not just for myself but for other employees as well.

22 6. In fulfillment of my responsibilities to a PAGA representative, I estimate I spent
23 about 75-100 hours working on this case in order to get my attorneys all documents that I had in
24 my possession regarding my employment, review documents turned over by Defendants, and
25 answer my attorneys' many questions about the practices, procedures, lingo, and hierarchy of
26 Defendant, among other things. In the first month alone, I spent days contacting some of the
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1 Defendant's locations because Defendants refused to identify the name of the legal entity that
2 employed me. I provided my attorneys with substantial documents and information about
3 Defendant's wage and hour policies, practices, and deficiencies, including, without limitation,
4 detailed information on Defendant's point of sale system that provided crucial uniform evidence
5 of the alleged wage and hour violations. I also provided my attorneys with information about the
6 how Defendant operates its clubs. Prior to informing my attorneys, they did not know much, if
7 anything, about Defendant. Without my involvement, my attorneys would not have known nearly
8 enough about Defendant to effectively prosecute this case to a productive resolution.

9 7. Further, I provided my attorneys extensive details about the way Defendant
10 encouraged employees to sign meal period waivers, then treated all employees as if they had
11 signed one, even if they did not. This helped my attorneys further evaluate the merits of the case.
12 So, I had meetings, phone calls, emails and exchanged countless texts with my attorneys in order
13 to promptly provide them information about Defendant's practices that I felt were unlawful. I also
14 searched for and gave my attorneys whatever documents or emails I could find related to meal
15 breaks and premium pay by Defendant. Then, I spent more time meeting with my attorneys to
16 discuss these records to make sure they understood them and the context in which they were
17 drafted or disseminated during my employment.

18 8. I also reviewed a ton of documents that Defendants produced in this case, in
19 order to assist my attorneys in understanding the context of those documents. During these
20 meetings and conversations, my attorneys always had a bunch of additional questions, which I was
21 able to answer and it provided them what I believe was crucial insight into the context and use of
22 the documents. All of this required me to take substantial time away from my current work.

23 9. In addition to the above-described work, I was also deposed for a half day –
24 approximately 4 hours, where I was asked about virtually everything about my wages and work
25 for Defendants, including, without limitation, hours, wage rates, time clocks, point of sale system,
26 meals, timekeeping, wage statements, paychecks, the hierarchy, my supervisors, my work
27 performance, my complaints, and even my daily job duties.
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10. I was also asked many questions that I felt were invasive or meant to intimidate, like questions about my personal life, and my work outside of working for Defendants. Even though I answered these questions and many more like them, the entire process was very intense and grueling. I understand that Defendants' attorney was probably just doing his job, but it was not an easy or comfortable process. Fortunately, I spent significant time to prepare me for the deposition process in advance.

11. The deposition was supposed to last a whole day, but I became so anxious that I suffered a migraine headache so severe that it caused me to vomit and lose consciousness for a period of time after the lunch break. As a result, we scheduled a follow-up deposition to finish at a later time.

12. In addition to the foregoing, I spent extensive time helping my attorneys prepare to take the deposition of Defendant's Person Most Qualified ("PMQ"), Erin Rucker Oto. After the PMQ deposition, I discussed her responses to questions with my attorneys to provide additional context.

13. This case has really opened up my eyes into the realities of how the legal system works. Never in my wildest dreams did I believe that a case could take so long to resolve. My attorneys kept me informed along the way, and never did I believe that the legal system was subject to certain abuses. For instance, when I realized that my attorneys were trying to take the deposition Defendant's PMQ, and Defendant was delaying that process, I could not believe it. I kept asking my attorneys for updates with the case, and I was asking if there was anything that could be done or if I could help with anything to move the case forward. It was really frustrating that it was taking so long. It seemed like Defendant was really dragging this out.

14. At times, I thought this would never end. This whole lawsuit was emotional for me, and, at times, I felt like just giving up. But, I didn't. I kept reminding myself that I owed a duty to all Defendant's employees to fight for them, which I did.

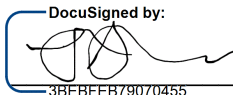
15. I filed this lawsuit in the summer of 2018. Now, almost four years later, we are still not done. Almost four years is a long time. My life has substantially changed. I'm not employed in

1 the food service industry anymore. I've lost the will to work for a big corporation because I saw
2 the abuses in the workplace and how it is all about being as profitable as possible, even if it means
3 cutting corners with your employees and treating them badly. I'm thankful that because my
4 lawsuit Defendant has changed its payroll practices.

5 16. Lastly, I understand now that my name is in the public record as having filed a civil
6 lawsuit against my former employer as well as sending a letter to the Labor Workforce and
7 Development Agency about Defendant's labor practices. A lot of employers are using background
8 checks before they hire someone. Background checks are becoming more and more sophisticated
9 and will certainly pick up one or both of my filings. It is a concern of mine that a future employer
10 might choose not to hire me based on this information, but I still feel that I made the right decision
11 to stand up for my rights and those of my fellow employees.

12 17. Thousands of employees of Defendant who have never filed a lawsuit and have never
13 had to put their name and energy into a public lawsuit will receive a payment from Defendant, as
14 will the State of California because of my efforts and my decision to hold Defendant accountable.
15

16 I declare under penalty of perjury under the laws of the State of California that the
17 10
18 foregoing is true and correct. Executed this ____ day of February 2022

19 DocuSigned by:
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21 3BEBFEB79070455...
22 Lizbeth Garcia
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