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Attorneys for Plaintiff, and all others
similarly situated.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO – CENTRAL**

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

Plaintiffs,
v.

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

Defendants.

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

**DECLARATION OF PATRICIA CALDERON
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 Jeyson Pineda; Declaration of
Lizbeth Garcia; Declaration of Caroline Salazar;
Notice of Lodgment; Proposed Order; Proposed
Judgement; Request for Judicial Notice]*

1 I, Patricia Calderon, 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.
6

7 2. I started working for Defendants on or about May 2017 as a pool deck cleaner at
8 Defendants’ Redwood City facility. I subsequently worked in Defendants’ laundry room. My last
9 physical day of work for Defendants was January 15, 2018.

10 3. As alleged in my complaint, Defendants underpaid or did not pay me for all my
11 hours worked, overtime hours worked, missed meal and rest breaks, and my wage statements were
12 not complete and accurate, among other violations of 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. On several occasions, I worked by myself and had no one to cover my shift so I could
24 take proper meal breaks. As a result, I was forced to eat while working. On several occasions, I
25 was reprimanded for attempting to take a meal break. As previously noted, there were also
26 occasions when I was forced to clock in for meal breaks and continue working. Defendants failed
27 to pay me one additional hour of pay at my regular rate of compensation for each workday that I
28 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. I was not informed of Defendants' rest break policy. As a result, in my mind, sitting
4 down while folding towels for Defendants was a break. Also, during a meeting, my supervisor
5 told several employees, including me, that we had to follow orders at all times, even if we were on
6 breaks. Defendants failed to pay me one additional hour of pay at my regular rate of
7 compensation for each work day that I did not receive a proper rest breaks.

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

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

18 9. On November 6, 2018, I assisted my attorneys in preparing and filing an
19 individual and PAGA civil complaint against Defendants for the Labor Code violations as
20 described in my letter to the LWDA. In fulfillment of my responsibilities as a PAGA
21 representative, I spent between ten (10) and twenty (20) hours on the representative aspects of this
22 case in order to get my attorneys all documents that I had in my possession regarding my
23 employment, review documents turned over by Defendants, and answer my attorneys' many
24 questions about the practices and procedures of Defendants, among other things. I provided my
25 attorneys with documents and information about, among other things, Defendants' wage and hour
26 policies, practices, and deficiencies, including, without limitation, detailed information on
27 Defendants' meal and rest break policies, and practice of requiring but not compensating for all
28 hours worked.

1 10. I assisted my attorneys with the mediation session that occurred on October 1,
2 2021, with the Hon. Lisa H. Cole (Ret.), and the subsequent informal negotiations that occurred
3 with and without Judge Cole's involvement. I believe the settlement of this and the other PAGA
4 actions is fair and an excellent result.

5 11. 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 Defendants' 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. I do believe that most employers would not
10 hire a person who previously sued his or her employer for fear that it might happen again.

11
12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Executed on March 2, 2022.

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16 Patricia Calderon
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Please sign this document.

Kind regards,

Liberation Law Group P.C. (signrequest@liberationlawgroup.com)

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