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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

LILIA OLAGUE, individually, and on behalf
of other aggrieved employees pursuant to the
California Private Attorneys General Act of
2004 ("PAGA");

Plaintiff,

v.

CIMINOCARE, INC.; a California domestic
stock corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 34-2021-00298633-CU-OE-GDS

Honorable Richard Sueyoshi
Department 53

**DECLARATION OF LILIA OLAGUE IN
SUPPORT OF PLAINTIFF'S MOTION
FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT (LABOR
CODE § 2698, ET SEQ.) SETTLEMENT
AGREEMENT AND ATTORNEYS'
FEES AND LITIGATION COSTS AND
INCENTIVE AWARD**

[Notice of Motion and Motion for Approval
of Private Attorneys General Act (Labor
Code § 2698, et seq.) Settlement Agreement;
Declaration of Counsel Andre Sherman; and
[Proposed] Order and Judgment filed
concurrently herewith]

Hearing Date: January 24, 2023
Hearing Time: 1:30 p.m.
Hearing Place: Department 53

Complaint Filed: April 13, 2021
Trial Date: None Set
Reservation ID: 2625453

DECLARATION OF LILIA OLAGUE IN SUPPORT OF PLAINTIFF'S MOTION FOR APPROVAL OF
PRIVATE ATTORNEYS GENERAL ACT (LABOR CODE § 2698, ET SEQ.) SETTLEMENT
AGREEMENT AND ATTORNEYS' FEES AND LITIGATION COSTS AND INCENTIVE AWARD

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I, **LILIA OLAGUE**, hereby declare as follows:

1. I am over eighteen (18) years of age and a resident of California. I am the named plaintiff in the above-captioned case, and I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify.

2. I was previously employed by Defendants CIMINOCARE, INC. (the “Defendants”) as an hourly-paid, non-exempt Caregiver from approximately January 11, 2019 to August 5, 2020.

3. I decided to seek legal advice about my work experiences at Defendants and about filing a lawsuit to redress my grievances. I contacted Sherman & Sherman, APC and spoke with attorneys there, including Andre Sherman, Esq. to seek legal consultation for my experience at Defendants. After discussing my work experience, Mr. Sherman informed me about potential wage and hour violations including, but not limited to, missed meal and rest breaks, unpaid overtime, wage statement violations, failure to reimburse business expenses. Once I realized what happened to me and my fellow co-workers, I wanted to do whatever I could to make sure Defendants paid me what was owed to me. I also wanted to make sure Defendants stopped their practice of not providing meal and rest breaks, failing to pay premium wages for noncompliant meal and rest breaks, failing to pay for all hours worked, failing to reimburse business expenses, failing to pay wages in a timely manner, and failing to provide compliant wage statements.

4. Mr. Sherman also explained to me the possibility of starting a representative Private Attorneys General Act of 2004 (“PAGA”) lawsuit. After speaking with the attorneys, I investigated PAGA lawsuits on my own and did some research into the leading employment law firms in California for approximately one and one-half (1.5) hours. Thereafter, I consulted with the attorneys at Sherman & Sherman, APC for almost one (1) hour further discussing my situation, PAGA lawsuits in general, and what it meant to be serve as the proxy of the state.

1 Considering the type of violations that I faced at Defendants, I decided to bring a PAGA lawsuit
2 to stop their unlawful practices.

3 5. Mr. Sherman informed that I might have to sacrifice my potential individual
4 claims, such as the ability to collect victim specific wages, in exchange for pursuing claims on
5 behalf of the State of California under PAGA. Despite these potential risks, I decided to continue
6 with the representative action.

7 6. Since becoming involved in this case, I have spent over thirty (30) hours meeting
8 with my attorneys concerning the case and my responsibilities as a representative, which
9 included gathering documents concerning my employment with Defendants, reviewing
10 documents with my attorneys and answering their questions, speaking with other former
11 employees of Defendants, providing guidance regarding the duties of other employees and
12 answering related questions, and helping my attorneys develop a strategy as to what documents
13 to obtain from Defendants. I routinely checked in with my attorneys and their staff to make sure
14 that they had all my most current information and any additional information that I had obtained
15 from speaking with other employees.

16 7. Throughout the case, I was available to speak and meet with my attorneys
17 whenever they needed me. I responded to them as quickly as possible and gave them as much
18 information as I could, including the names of witnesses.

19 8. During the discovery phase of the lawsuit, I spent a half-day digging through
20 boxes seeking documents that were related to this case. I was ready and willing to spend as
21 much time necessary to prepare for and to give my testimony regarding the various violations
22 that I suffered and witnessed at a deposition. When the case went to mediation, I was available
23 by phone throughout the entire day and called in to discuss the progress of the mediation and to
24 provide additional facts.

25 9. As far as the settlement is concerned, I was available to answer any questions my
26 attorneys had. When my attorneys asked me to review the Settlement Agreement, I took about
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1 one and one-half (1.5) hours to review the Settlement Agreement, asked questions, and discussed
2 the potential settlement with my attorneys before signing the Settlement Agreement.

3 10. I believe that I have done everything that my attorneys have asked of me and have
4 tried, to the best of my ability, to represent the Aggrieved Employees on behalf of the State of
5 California. I think my efforts helped to get the result obtained in this case, and as a
6 representative, I respectfully request that the Court award me the Incentive Award in the amount
7 of \$10,000 for my active participation in this case.

8 11. Taking into consideration the time I have dedicated to this case, the risks I have
9 undertaken as the named plaintiff, and the benefits conferred to the Aggrieved Employees and
10 the California Labor and Workforce Development Agency ("LWDA"), I believe that this amount
11 is reasonable.

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

14 Executed this 28th of December, 2022 at Sacramento, California.

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19 LILIA OLAGUE
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