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Superior Court of California,
County of Alameda

11/18/2025 at 03:16:35 PM

By: Tomacita Matuz,
Deputy Clerk

Attorney for Plaintiff MARTA AGUILAR, as representative of the State of California and the Labor and Workforce Development Agency, and on behalf of herself and other current and former employees.

[Additional Attorneys Listed on Following Pages]

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

**ELDER CARE ALLIANCE AND
ALMAVIA WAGE AND HOUR CASES**

MARTA AGUILAR, on behalf of herself
and all other aggrieved employees,

Plaintiff,

v.

ELDER CARE ALLIANCE OF SAN
RAFAEL, a California Corporation; and
DOES 1-50, Inclusive,

Defendants.

Case No.: RG21090600 (Lead Case)
CGC-21-588913 (San Francisco);
RG21090600;
RG21102829;
RG21107053;
22CV022908;
23CV046186

Assigned to Hon. Evelio Grillo, Dept. 21

**DECLARATION OF MARTA AGUILAR
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: December 9, 2025
Time: 2:00 p.m.
Dept.: 21

Complaint Filed: July 29, 2021
Arias Class Action filed: March 3, 2021
Arias PAGA Action filed: June 24, 2021
Tabuyo Action filed: November 30, 2021
Ballesteros Action filed: January 13, 2021(SF)
October 2, 2023 (AL)

1 YESENIA ARIAS, individually, and on behalf of
2 other aggrieved employees pursuant to the
California Private Attorneys General Act;

3 Plaintiff,

4 vs.

5 ELDER CARE ALLIANCE, an unknown
6 business entity; and DOES 1 through 10,
inclusive,

7 Defendants.

8 YESENIA ARIAS, individually, and on behalf
9 of other members of the general public
similarly situated;

10 Plaintiffs,

11 vs.

12 ELDER CARE ALLIANCE, an unknown
13 business entity; and DOES 1 through 10,
inclusive,

14 Defendants.

15 MARIA TABUYO, individually, and on behalf of
16 other members of the general public similarly
situated;

17 Plaintiff,

18 vs.

19 MERCY RETIREMENT AND CARE CENTER
20 AND ELDER CARE ALLIANCE INC., an
unknown business entity; and DOES through 100,
inclusive,

21 Defendants.

MARITES BALLESTEROS, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiff,

vs.

ELDER CARE ALLIANCE OF SAN
FRANCISCO INC. D/B/A ALMAVIA OF SAN
FRANCISCO, an unknown business entity; and
DOES through 100, inclusive,

Defendants.

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Attorneys for Defendants, Elder Care Alliance, AlmaVia of San Francisco, Elder Care Alliance of San Francisco, Elder Care Alliance of San Rafael, and Mercy Retirement and Care Center

1 I, MARTA AGUILAR declare:

- 2 1. I am an individual residing in the city of Vallejo, State of California. I am over
3 the age of eighteen (18) and am a Plaintiff in the action titled *MARTA AGUILAR*
4 *v. ELDER CARE ALLIANCE OF SAN RAFAEL INC.*, filed in the Superior Court
5 of Alameda County, Case No. RG21107053. I hereby submit this declaration in
6 support of my adequacy as a Class Representative and request for the class
7 representative payment.
- 8 2. The foregoing is based upon my personal knowledge and, if called as a witness, I
9 could and would competently testify thereto.
- 10 3. I was employed by Defendant from approximately October 1, 2017, to on or about
11 February 2022, as a caregiver.
- 12 4. I believe that certain employment practices of Defendants were unlawful,
13 including Defendants' practice and policy of not failed to compensate Plaintiff and
14 Plaintiff Class for overtime premium hours worked in excess of eight (8) hours per
15 day as well as forty (40) hours per week. Defendants had a practice of requiring
16 myself and my co-workers to work over eight (8) hours in a day and forty (40)
17 hours on tasks.
- 18 5. While I was employed, I was also forced to forego my rest, and meal breaks due
19 to Defendants' inadequate staffing and strict performance schedules. Furthermore,
20 I was not compensated for missing my rest and meal breaks.
- 21 6. Despite the risks associated with filing a class action lawsuit, I believed that I could
22 adequately represent the proposed class of employees and would prevail on my
23 claims. At the time I agreed to become a class representative, I understood that
24 Defendants directly opposed the merits of the lawsuit and the likelihood that the
25 class would be certified.
- 26 7. I believe that I am an adequate class representative because my interests in this
27 action are the same as other employees who worked for Defendants and were not
28

1 paid for all overtime worked. I also believe that I have suffered the same and/or
2 similar violations as many other class members.

3 8. Throughout this litigation, I have diligently served as a representative of putative
4 employees. I made myself available to my attorneys at their request and conducted
5 several telephone conferences with my attorneys and provided them with a wealth
6 of information about my employment with Defendant. I assisted my attorney with
7 the investigation process by providing documents and gathering information. At
8 the outset of this matter, I spent at least 30 hours over the last few years speaking
9 with my attorney regarding the various practices Defendant implemented at their
10 care facility.

11 9. I also helped review documents that Defendant produced in this litigation,
12 assisting my attorneys in understanding various time records and payroll records.
13 I assisted my attorney in providing discovery responses to Defendant's counsel.

14 10. I also spoke with my attorney extensively prior to mediation to help them
15 understand the specific practices Defendant permitted that led me to believe legal
16 violations had occurred.

17 11. Additionally, I made myself fully available to my attorney throughout the two
18 private mediation sessions with Mark Rudy Esq. on August 11, 2022, and March
19 21, 2023, during which I answered any questions from my attorneys. Over the
20 course of many years of discussions aimed at resolving this matter, I remained in
21 regular communication with my attorney to discuss the Defendant's practices and
22 to evaluate the potential risks and benefits of pursuing litigation on behalf of the
23 class.

24 12. During the settlement negotiations my attorneys had with Defendant, I understood
25 the risk of moving forward with further litigation as well as a potential trial. Based
26 on the substantial information provided, I believe the pending settlement terms are
27 fair, reasonable and adequate, and the consideration to the proposed class in
28 exchange for a release of claims asserted in the lawsuit is merited.

13. I estimate that I have spent no less than 40 hours total throughout this litigation over the last few years, including my initial consultations, the numerous meetings with my attorney and or his co-workers, telephonically, gathering documents, reviewing documents, and attending the mediation session.

14. I spent significant time discussing with my attorneys' various procedures and practices of Defendants.

15. I believe the settlement is fair on behalf of class members. I have been informed that there are no objections to the settlement, and no opts out for the case. I believe this shows the class members are in agreement with the settlement and believe it is fair.

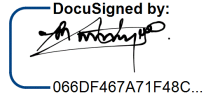
16. I understand that I may be entitled to additional payment for my role as a class representative and the time I spent working on this case. I believe my service payment is warranted as I have had to be patient and diligent during the course of litigation to both pursue and resolve this matter. I also understand that this amount is not guaranteed and is subject to court approval.

17. I also took significant professional risk by agreeing to be a class representative in this case. There is a very real possibility that due to my involvement in this case, other local employers in Alameda could refuse to hire me.

18. For the reasons stated above, and as an adequate class representative, without any present conflicts, I will request the Court award the service enhancement award \$7,500.00 for my work in this case at the final approval of this matter. This amount is fair and justified because of my extensive involvement and assistance with this litigation, the risks I took by agreeing to be a class representative, and the total settlement fund of \$5,500,000.00. My understanding is that there are no objections or opt outs and my opinion is that the class members believe the settlement is fair and reasonable.

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

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4 Dated; November 12, 2025, at Vallejo, California.

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