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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

KEVIN WYATT and KIMBERLEE
CALIFANO, individuals, and on behalf of all
persons similarly situated,

Plaintiffs,

v.

BH-SD OPCO, LLC, dba ALVARADO
PARKWAY INSTITUTE BEHAVIORAL
HEALTH SYSTEMS, a Delaware Limited
Liability Company; and DOES 1-50, Inclusive,

Defendants.

Case No. 37-2021-00021168-CU-OE-CTL

**DECLARATION OF KEVIN WYATT IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: January 17, 2025
Time: 9:30 a.m.

Judge: Hon. Gregory W. Pollack
Dept.: C-71

1 I, KEVIN WYATT, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiffs' Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of Plaintiffs' Motion for
5 Attorneys' Fees and Expenses and Class Representative Payments. I have personal knowledge of all
6 the facts stated herein. I could and would competently testify under oath to these facts in court if
7 requested to do so.

8 2. I retained Class Counsel in June 2020 and filed the lawsuit in May 2021. I filed the case
9 on behalf of myself and a class of all current and former non-exempt employees of BH-SD OPCO, LLC,
10 dba Alvarado Parkway Institute Behavioral Health Systems ("Defendant") who worked in California
11 ("Class") during the period beginning May 12, 2017, to September 30, 2023.

12 3. I worked for Defendants from September 2015 through July 2020, as a non-exempt
13 employee and, at all times during my employment, have been classified by Defendant as a non-exempt
14 employee, paid on an hourly basis, and entitled to legally compliant meal and rest periods, and minimum,
15 regular and overtime wages for all hours worked. Throughout my employment, I was subject to
16 Defendant's written policies and procedures.

17 4. I filed the case because I believed my rights as an employee were violated by Defendant
18 and also the rights of other employees that worked for Defendant. Among other claims, I believe
19 Defendant failed to provide compliant meal and rest periods, failed to pay for all time worked, failed to
20 pay overtime and meal period premiums at the correct regular rate of pay, failed to furnish accurate
21 itemized wage statements, failed to reimburse for mandatory business expenses, and failed to pay all
22 wages upon separation.

23 5. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with
24 my attorneys. We discussed my work experience and how company policies were applied to me and
25 other employees. I provided the attorneys with the documents they requested. We reviewed the
26 documents together and asked and answered many questions regarding my experience working for
27 Defendant, the litigation process and about class actions generally.
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1 6. I decided to go through with the case because I believed violations occurred and most
2 employees would not know what their rights are and even if they did, they would be apprehensive to file
3 a lawsuit against their employer for fear of retaliation.

4 7. **Review and Approval of Settlement:** Mediation was held on April 14, 2023. Even
5 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
6 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
7 with my attorneys after the mediation and discussed the mediator's proposal which was ultimately
8 accepted. I am satisfied with the terms of the settlement that was agreed to by the parties. I reviewed
9 and signed the Memorandum of Understanding on October 12, 2023, and when the settlement papers
10 were ready, I signed them on July 2, 2024.

11 8. **Participation:** Since I retained Class Counsel approximately fifty-two months ago, I have
12 been actively involved with this class action lawsuit performing the duties described above. While I did
13 not keep formal time records, I was in regular contact with my attorneys, attended hearings, reviewed
14 important court filings, and spent considerable time on the issues presented during the litigation and in
15 the settlement process. I estimate that I spent approximately 25-30 hours working on this case.

16 9. Also, my attorneys explained to me that the settlement process involved a two-step review
17 by the Court to determine whether the settlement was fair before ordering that the settlement be funded
18 and paid. I knew this process also involved notifying all class members of the settlement terms and of
19 their rights to make a claim for their settlement share, to opt out of the settlement or to object to the
20 settlement.

21 10. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
22 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
23 that the requested Class Representative Payments in the amount of \$10,000 for each plaintiff from the
24 settlement is fair compensation for (1) the work I performed, (2) the sacrifices made not pursuing this
25 case individually, and (3) the risks I undertook.

26 11. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
27 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
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1 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
2 for \$10,000 as a Class Representative Payment for each Plaintiff is fair and reasonable.

3 12. Further, I support my attorneys' application of \$233,333.33 for Class Counsel Fees (one-
4 third of the Gross Settlement Amount) and up to \$32,500.00 for Class Counsel Expenses.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed on 12/11/2024, at San Diego, California.

7 By: Kevin A Wyatt
Kevin A Wyatt (Dec 11, 2024 11:27 PST)

8 KEVIN WYATT
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