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Attorneys for Plaintiffs

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 KIMBERLEE
CALIFANO IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: July 26, 2024

Time: 9:30 a.m.

Judge: Hon. Gregory W. Pollack

Dept.: C-71

1 I, KIMBERLEE CALIFANO, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am a lead named Plaintiff in the
4 above wage and hour class action filed against Defendant BH-SD OPCO, LLC, dba ALVARADO
5 PARKWAY INSTITUTE BEHAVIORAL HEALTH SYSTEMS, a Delaware Limited Liability
6 Company (hereinafter "Defendant").

7 2. This declaration is being submitted in support of Plaintiffs' motion for Preliminary
8 Approval of Class Action and PAGA Settlement.

9 3. I believe that I am, have been, and will continue to represent the interests of the class
10 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
11 to represent.

12 4. I have been employed by Defendant since December 2005 and at all times during my
13 employment, have been classified by Defendant as a non-exempt employee, paid on an hourly basis,
14 and entitled to legally compliant meal and rest periods, and minimum, regular and overtime wages for
15 all hours worked.

16 5. Generally, my lawsuit claims that Defendant failed to provide compliant meal and rest
17 periods, failed to pay for all time worked, including time spent undergoing COVID-19 screenings,
18 failed to pay overtime and meal period premiums at the correct regular rate of pay, failed to furnish
19 accurate itemized wage statements, failed to reimburse for mandatory business expenses, and failed to
20 pay all wages upon separation.

21 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
22 to represent because I was subject to the same alleged unlawful employment policies and practices at
23 issue in this action, including but not limited to, Defendant's failure to provide compliant meal and
24 rest periods, failure to pay for all time worked, including time spent undergoing COVID-19 screenings,
25 failure to pay overtime and meal period premiums at the correct regular rate of pay, failure to furnish
26 accurate itemized wage statements, failure to reimburse for mandatory business expenses, and failure
27 to pay all wages upon separation. Factually, Defendant's policies and practices apply class wide, and
28 Defendant's liability can be determined by facts common to all members of the Class.

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2 7. Further, there is no conflict between my interests and the interests of the class that I am
3 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
4 I was injured by the same company-wide policies and practices to which the proposed Class was
5 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
6 of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the
7 proposed settlement to assure that it is fair.

8 8. I understood that at the time I filed this action, as a Class Representative, I owed a duty
9 to the putative class members to faithfully prosecute this action with their best interests at the forefront
10 of every decision. I understood that I could not make any decision in this action for the sole benefit
11 of my personal interest. I understood that in executing this duty, I might have been asked to sacrifice
12 my personal best interests for the benefit of the interests of the putative class members. Nevertheless,
13 I knowingly and voluntarily undertook this duty in order to provide the broadest possible relief for my
14 former co-workers for what I perceived to be Defendant's unlawful wage and hour practices. I believe
15 that I faithfully executed the duties of a Class Representative throughout this litigation and will
16 continue to do until this litigation is fully and finally resolved.

17 9. I believe that the proposed settlement before the Court is fair, reasonable, and adequate,
18 and made in the best interest of the Participating Class Members. Consequently, I respectfully, and
19 humbly, ask the Court to grant preliminary approval of the Settlement and all of its terms.
20

21 I declare under the penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct. Executed on Jul 3, 2024, at San Diego, California.

23 Kimberlee Califano
24 By: Kimberlee Califano (Jul 3, 2024 13:59 PDT)
25 KIMBERLEE CALIFANO
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