

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Sydney Castillo-Johnson (State Bar #343881)
Perssia Razma (State Bar #351398)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
scastillo@jcl-lawfirm.com
prazma@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

5440 Morehouse Drive, Suite 3500
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com

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 KEVIN WYATT 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, KEVIN WYATT, 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 of the Class Members that I am
11 seeking to represent.

12 4. I was employed by Defendant from September 2015 through July of 2020 and was at all
13 times classified by Defendant as a non-exempt employee, paid on an hourly basis, and entitled to
14 legally compliant meal and rest periods, and minimum, regular and overtime wages for all hours
15 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.

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

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

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

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Jul 1, 2024, at San Diego, California.

By: Kevin Wyatt
Kevin Wyatt (Jul 1, 2024 12:50 PDT)
KEVIN WYATT