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Attorneys for Plaintiff Melissa Osuna, individually,
and on behalf of other similarly situated current and
former employees of Defendants

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

MELISSA OSUNA, individually, and
on behalf of all other similarly situated
current and former employees of
Defendants,
Plaintiffs,

vs.

VHSD ES, INC., a California
corporation; and DOES 1 through 100
inclusive,

Defendants.

Case No.: 37-2021-00049037-CU-OE-
CTL

*[Assigned for all purposes to Hon. Joel
R. Wohlfeil, Dept. C-73]*

**DECLARATION OF PLAINTIFF
MELISSA OSUNA IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF JOINT STIPULATION
OF CLASS ACTION AND PAGA
SETTLEMENT**

Date: May 29, 2026
Time: 9:00 a.m.
Dept.: C-73

DECLARATION OF MELISSA OSUNA

I, Melissa Osuna, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently under oath if called as a witness. I understand that this is a class action lawsuit alleging wage and hour violations under California law that has been filed against VHSD ES, INC. ("VHSD"), and that this declaration will be used in connection with this case.

2. I was hired by VHSD as a Certified Nurse's Assistant in August of 2020. My employment was terminated in January of 2021.

3. During my employment with VHSD, my schedule was generally 7:00 a.m. to 7:00 p.m., three to four days per week.

4. I was never informed that I was entitled to a second meal period by the end of the 10th hour of my shift. Additionally, two to three times per week, my meal period was not provided by the end of the 5th hour of my shift. With regard to rest breaks, I was not provided with rest breaks approximately three times per week, and my rest breaks were short, interrupted, and/or late multiple times per week, due to understaffing.

5. I was not paid meal period or rest break premium payments, and I and other Certified Nurse's Assistants were instructed by our superiors to record rest breaks that were not in fact received. We were also required to keep our cell phones turned on during meal periods and rest breaks, so that our superiors would be able to interrupt our meal periods and breaks.

6. My employment was terminated in January of 2021. I was not paid compensation for the violations identified above, upon termination, or any time thereafter.

7. I believe that I am an adequate class representative because I was subjected to the same policies and practices as the other employees. As a class representative, I understand that I am representing the interests of all class members in this litigation. I understand and agree that, as

1 a class representative I have a duty to the class and must always consider the interests of the class
2 before my own, which I am willing to do, and have always done while serving as a class
3 representative. I am seeking the same damages and remedies as the other class members. I do not
4 have any known conflicts of interest with the class and my interests are the same as the class.

5
6 9. I understand that as a class representative I am responsible for testifying at the trial
7 of this case, and working with class counsel on behalf of absent class members. I understand I am
8 required to actively participate in the lawsuit.

9
10 9. During my time as a class representative, I made myself available to my attorneys
11 at their request and have had multiple meetings with my attorneys. I provided my attorneys
12 information upon their request on multiple occasions, and will continue to do so throughout this
13 case. I have provided my attorneys with documents relating to my employment, and have spent
14 substantial time communicating with my attorneys regarding my experiences at VHSD. I have
15 also spent time searching for documents, consulting with class counsel mediation, making myself
16 available for mediation, and reviewing and approving various documents, including the
17 Memorandum of Understanding and the Settlement Agreement. I would estimate that I have
18 spent in excess of 40 hours of my time in support of this class action, and have taken risks on
19 behalf of the Class, including risks to future employment, and financial risk relating to a cost
20 judgment if the lawsuit had not been successful.

21
22 10. As mentioned above, I understand that my participation in this lawsuit as a class
23 and PAGA representative creates very substantial risks for me. As mentioned, if the lawsuit was
24 ultimately unsuccessful, I could be subject to a cost judgment against me, potentially amounting to
25 thousands of dollars which I would then owe to my former employer. Furthermore, I understand
26 that my future employment is placed at very substantial risk by my decision to act as a class and
27 PAGA representative in this lawsuit. This lawsuit is a matter of public record, and any potential
28

employer to whom I apply for employment could easily discover that I had sued my former employer in a class action, and for that reason deny me employment.

11. Notwithstanding the risks described above, I decided to act as a class and PAGA representative to address the Labor Code and Wage Order violations suffered by my former co-workers in addition to the violations suffered by me personally. I undertook these risks on behalf of my former co-workers so that they would also receive compensation for these violations, knowing that, while all members of the class will benefit from success, only I, as class representative undertook the risks involved in obtaining this compensation.

13. While I did not type this declaration, I provided the information upon which it is based, and I was given the opportunity to review it as well as ask questions and make changes. This is an accurate summary of why I am adequate and fully capable of being a named Plaintiff in this action, how I have actively participated in the case up to this point, and why I think an enhancement of \$10,000 to myself is fair and reasonable.

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

Executed on February 12, 2026 at San Diego, California.

M. J. J. J.

Melissa Osuna