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7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

10 BIANCA CURRY, on behalf of herself and on
11 behalf of all persons similarly situated,

12 Plaintiffs,

13 v.

14 UNITED HEALTH CARE STAFFING, INC.,
15 a California Corporation; ON-CALL
16 THERAPISTS, INC., a California Corporation;
DOES 1 through 50, inclusive,

17
18
19 Defendants.

Case No. CGC-21-597339

[Consolidated with Case No. CGC-22-598120]

**DECLARATION OF BIANCA CURRY IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS SETTLEMENT**

Hearing Date: January 14, 2025

Hearing Time: 9:00 a.m.

Judge: Hon. Curties E.A. Karnow

Dept.: 611

Action Filed: December 28, 2021

Trial Date: None Set

1 I, Bianca Curry, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Final Approval of Class
4 Settlement and in support of my application for a class representative service payment.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. I worked for the defendant United Health Care Staffing, Inc. ("United Health") in California
8 from April of 2021 to August of 2021, and during that time period was classified by United Health
9 as a non-exempt employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case. I am
14 not aware of any other pending matter or action asserting claims that will be extinguished or
15 adversely affected by this settlement.

16 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I felt
17 that my legal rights as an employee and others like me were violated. For example, I rarely received
18 compliant meal and rest breaks which were often late, short, or missed entirely. My time punches
19 recorded fictitious, perfect meal period each day despite the fact that I was over-booked and unable
20 to take my meal periods on time, if at all. I was also subjected to unlawful quarter hour rounding of
21 my time worked. Further, I was not reimbursed for the use of my personal cell phone which was an
22 essential tool necessary to perform my job duties.

23 6. I spoke to my attorneys several times and discussed how United Health implemented its
24 company policies and procedures. I also assisted my attorneys in their investigation into my claims
25 by providing them documents and answering their questions. I reviewed the complaint before it
26 was filed and was given access to an electronic file sharing program that alerted me via email when
27 important documents were filed so that I could review them and keep up with the developments in
28 the case which I understood was one of my duties as a class representative. I could also access court

1 filings from this case on my attorney's law firm website. Also, I was informed that United Health
2 had the right to take my deposition, and that the preparation and deposition itself could take multiple
3 days. Although my deposition was not taken, I feel I would have been adequately prepared and
4 comfortable to give testimony on my experiences.

5 7. Even though this action is in the process of settling, I was and remain prepared to perform
6 all the duties of a class representative. I understand that as a class representative I have assumed a
7 fiduciary responsibility to prosecute this class action on behalf of the absent class members. I have
8 understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the class
9 members and surrender any right to compromise the group action for an individual gain.

10 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
11 damages not only for myself but also other current and/or former non-exempt employees working
12 for United Health in California who make up the class. I felt that these individuals were not aware
13 of their labor law rights and even if they were they would probably be apprehensive about speaking
14 up or even simply because of the time, effort and risk involved in filing a class action lawsuit.

15 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
16 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
17 or part of the attorney fees and costs paid by United Health to defend this lawsuit. Also, I knew
18 there was a risk that future employers, if they ever find out about this lawsuit, could hold it against
19 me or downgrade me as a potential hire. As the only named Plaintiff in this case it would not be
20 difficult for a future employer to become aware that I sued a former employer for labor law
21 violations. Ultimately, I decided these risks were worth it and decided to fight for my rights and
22 the rights of others regardless of the risks, time and effort I spent on this case.

23 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
24 to date on important developments by reviewing court filings that were made available to me
25 electronically as I described above.

26 11. A mediation took place on October 28, 2022, with Louis Marlin, a well-respected and
27 experienced mediator of wage and hour class actions. After the mediation the parties were able to
28 come to an agreement to settle the action. I communicated with my attorneys regarding the terms

1 of the settlement which was reached between the parties and understood that I was representing
2 absent class members and therefore wanted the best possible result to be obtained for the class
3 members and I believe a very positive result was in fact achieved via settlement. I reviewed and
4 signed the Memorandum of Understanding on November 16, 2022. When the final settlement
5 agreement was ready, I reviewed it closely and signed it.

6 12. I have been actively involved with this lawsuit performing the duties described above.
7 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
8 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
9 settlement process. I estimate that I spent approximately 30-40 hours working on this case up until
10 this point. I believe I have been diligent and have done what is expected of a named plaintiff and a
11 proposed class representative to date, and will continue to do so. I have and always will maintain
12 the best interest of the class members.

13 13. My attorneys explained to me that the settlement process involves a two-step review by the
14 Court to determine whether the settlement is fair before approving the settlement. I know this
15 process also involves notifying all class members of the settlement terms and of their rights to make
16 a claim for their settlement share, to opt out of the settlement or to object to the settlement.

17 14. I believe I did the right thing by filing this case on behalf of the class members who, subject
18 to court approval, are in line to receive monetary payments as a result of this case and settlement.
19 This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel
20 significant personal satisfaction to know that I played a role in the class members being entitled to
21 monetary payments as a result of the filing of this lawsuit. I also believe that the requested class
22 representative service award of \$7,500 from the settlement is fair compensation for the work I
23 performed and the risks I undertook.

24 15. As part of the settlement, it was necessary for me to sign a general release of claims I may
25 have against United Health. I believe the class representative service payment I have requested
26 provides me with some compensation for this agreed release.

27 16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a
28 former employer, the exposure to being responsible for paying United Health costs in the event we

1 did not win the case, the reputational risk that future employers may hold this lawsuit against me,
2 the general release and in light of the size of the settlement, I believe the request for \$7,500 as a
3 class representative service payment is fair and reasonable.

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

6 Executed on 12/11/2024, at Suisun city, Ca.
7 (date) (city, state)

8 
9 Bianca M. Curry (Dec 11, 2024 15:19 PST)
10 Bianca Curry