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Attorneys for Plaintiffs

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

GUADALUPE GUARISTA, individually, on  
behalf of all others similarly situated, and on  
behalf of the State of California and other  
aggrieved persons; and TENISHA KATHERINE  
HOWARD and JENNIFER LOPEZ-  
TRIGUEROS, individually, and on behalf of all  
others similarly situated,

*Plaintiffs,*

v.

UROLOGIC INSTITUTE OF THE HIGH  
DESERT, INC., a corporation, and DOES 1  
through 10, inclusive,

*Defendants.*

Case No.: CIVSB2125029

[Consolidated with Case No. CIVSB213340]

**CLASS & REPRESENTATIVE ACTION**

[Assigned to: Hon. Jessica Morgan, Dept. S-  
26]

**DECLARATION OF PLAINTIFF  
GUADALUPE GUARISTA IN SUPPORT  
OF PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

**DECLARATION OF PLAINTIFF GUADALUPE GUARISTA**

I, Guadalupe Guarista, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a former employee of Urologic Institute of the High Desert, Inc. ("Defendant"). I worked for Defendant from approximately June 2020 to approximately October 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Defendant's policies and practices that have been alleged as unlawful in the First Amended Consolidated Class & Representative Action Complaint.

4. I initiated this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks.

5. By originating this lawsuit as a class representative, I hoped that I might be able to change Defendant's policies to better protect the working conditions of my co-workers. I also understood that it was my duty as a class representative to represent the best interests of the class, know about the lawsuit, assist my attorneys, and keep updated on the case.

6. I have invested a lot of personal time and energy into this lawsuit. As detailed more fully below, I have spent approximately 55 hours on this case. I made it a priority to be actively involved because I wanted to do everything I could to assist my attorneys in prosecuting this case.

7. Throughout this case, I spent a lot of time on the phone with my attorneys to get updates about the case and provide them with information. For example, during some of the phone calls, my attorneys and I were able to identify instances when I was not paid correctly.

1 Additionally, leading up to the mediation in July 2022, I had multiple lengthy phone calls with  
2 Wilshire Law Firm regarding the claims at issue and what was to transpire at the mediation.

3 8. Throughout the case, I also spent time looking for documents relevant to the case to  
4 send to my attorneys. I spent numerous hours looking for these documents, including when I first  
5 contacted my attorneys, before my attorneys filed the case, and before my case was mediated. I  
6 also spent time reviewing legal documents in this case with my attorneys.

7 9. Additionally, I made myself fully available on the day of mediation and was in  
8 continuous contact with my attorneys to assist with any questions or issues that may have arisen.

9 10. On September 12, 2023, my deposition was taken by Defendant's counsel. The  
10 September 2023 deposition began at 9:10 a.m. and concluded at 5:09 p.m. Prior to the deposition  
11 taking place, I spent numerous hours preparing for the deposition with my attorneys.

12 11. I believe the settlement is a good settlement and I would recommend that the Court  
13 approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I  
14 had the opportunity to represent the class in this lawsuit and that I was able to recover money  
15 through a settlement for the class.

16 12. I did not make the decision to file a class action lightly. I was concerned by the  
17 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be  
18 associated with a lawsuit that I filed against my former employer. I am mindful that prospective  
19 employers might find out that I sued Defendant. Nevertheless, I felt that important rights were at  
20 stake that hurt everyone, and something ought to be done about it.

21 13. I also understand that there was financial risk in bringing this lawsuit. For example,  
22 I knew that if I did not prevail in this lawsuit that I could potentially be responsible for Defendant's  
23 attorneys' fees and costs.

24 14. I understand that the settlement agreement provides a service payment to me in the  
25 amount of \$5,000.00. I believe this amount is fair compensation for my time and effort on this  
26 case, for helping to prosecute this case, and the risks with respect to my future employment. In  
27 addition, the settlement requires that I enter into a general release, which I understand is broader  
28

than the release that will bind other class members. I am receiving no compensation additional to that provided for in the settlement.

15. Based on my involvement in this case and the benefits provided to my former co-workers, I can say I helped stand up for the other workers who were too afraid to say anything to management because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was not afraid to take that risk because I strongly care about helping out my former co-workers.

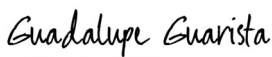
16. I reviewed (and ultimately signed) the Class Action and PAGA Settlement Agreement in full and my attorneys answered all the questions I had. I believe the settlement terms and allocations are fair, adequate, and reasonable given the strength of the class claims and Defendant's defenses.

17. I have no conflicts of interest with any class member or the Settlement Administrator, ILYM Group, Inc.

18. I am not aware of any other pending matter or action asserting claims that will be extinguished or adversely affected by the Settlement.

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

Executed on 9/3/2024, at Ciudad, California.

DocuSigned by:  
  
 79FEF6DD92BF493...  
 Guadalupe Guarista

*Guarista v. Urologic Institute of The High Desert, Inc., et al.*  
CIVSB2125029

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PROOF OF SERVICE