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**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
TENISHA KATHERINE HOWARD IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

DECLARATION OF PLAINTIFF TENISHA KATHERINE HOWARD

I, Tenisha Katherine Howard, 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 one of the named Plaintiffs in this action and submit this declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement. I am hopeful the Court will approve my request for a \$1,000 service payment because of the time and effort I spent on this case.

4. I am a former employee of Urologic Institute of the High Desert, Inc. ("Defendant"). I worked for Defendant from approximately September 2021 to approximately February 2022 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.

5. I reached out to Wilshire Law Firm because I felt as if I was not being paid correctly for all the hours that I worked and was not provided with all my mandated meal and rest breaks. At the time I reached out to Wilshire Law Firm, I was informed that there was a pending class action lawsuit against Defendant, which was initiated by Plaintiff Guadalupe Guarista in August 2021. I was hopeful that my assistance would add value to the case and perhaps improve Defendant's policies so that the working conditions of the employed workers would improve. I also understood that joining the lawsuit at a later time as a class representative meant that I had to represent the best interests of the class.

1 6. I have actively participated in the litigation of this action. At the time I contacted
2 Wilshire Law Firm, I provided my attorneys a detailed account of the facts related to my
3 employment with Defendant, including, but not limited to, my belief that Defendant had a policy
4 and practice of not providing its employees with California compliant meal and rest periods and
5 requiring its employees to work “off-the-clock” during unpaid meal periods. The anecdotes I
6 shared regarding my employment assisted my attorneys in better understanding Defendant’s
7 policies and practices. I also regularly communicated with my attorneys and staff members of
8 Wilshire Law firm regarding the status of the lawsuit and whether I could be of assistance.

9 7. My attorneys explained to me the risks and benefits of being added to the lawsuit as
10 a class representative. I understood the risks, both professionally and financially, associated with
11 pursuing a class action case and acting as one of the class representatives. I further understood
12 that pursuing the case as a class action, rather than individually, meant that it would take
13 substantially longer as a result of the multi-step approval process as mandated by the California
14 courts. Although I was made aware that there was a possibility that I could receive nothing at the
15 end, I believed that it was important to ensure that Defendant followed the law with respect to all
16 of its hourly-paid, non-exempt employees. Additionally, I understood that it was my responsibility
17 to act in the best interests of the Class and not just myself. In that respect, I understood my duties
18 and responsibilities to the proposed Class and carried out and will continue to carry out those duties
19 as necessary.

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

24 9. I estimate that I spent approximately 5 hours searching for documents related to my
25 employment, speaking with Wilshire Law Firm throughout the litigation, discussing the particulars
26 and reasonableness of the settlement, and reviewing/signing documents related to the settlement.
27 As such, I respectfully request that the Court award me a \$1,000 service payment based on my
28 involvement in the case and the benefits provided for the Class.

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

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

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

7 Executed on 9/3/2024, at City, California.

8
9 DocuSigned by:



10 60E9ED502F3447B...
11 Tenisha Katherine Howard

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PROOF OF SERVICE