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Attorneys for Plaintiff Kylee Valdies

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

COORDINATION PROCEEDING
SPECIAL TITLE [RULE 3.550]

Judicial Council Coordination Proceeding
No.: CJC-22-005258

ALTUM SENIOR LIVING WAGE AND HOUR
CASES

[Assigned to: Hon Jeffrey S. Ross, Dept. 606]

CLASS ACTION

Included actions:

Valdies vs. Altum Senior Living, LLC, et al.,
Superior Court of California, County of San
Diego, Case No. 37-2021-00032142

Ortiz vs. Altum Senior Living, LLC, Superior
Court of California, County of San Francisco,
Case No. CGC-21-595150.

**DECLARATION OF JARRETT
GORLICK IN SUPPORT OF
PLAINTIFF'S SECOND RENEWED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

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1. I am over the age of 18 and am not a party to this action. All the facts set forth in this declaration are within my personal knowledge, true and correct, and, if called upon to testify, I could and would competently and truthfully testify to the following:

3. I obtained a Bachelor of Arts degree in Economics and Psychology from the University of California, Santa Barbara in 2013. I received the Outstanding Scholastic Achievement in Economics award for graduating with the highest GPA in the department, graduated with High Honors, and completed the College of Letters and Sciences Honors Program. I hold the Certified Financial Planner designation, which required coursework in financial and data analysis, as well as accounting.

1. *Rodriguez v. Dynamic Auto Images*, Orange County Superior Court Case No. 30-2019-01092692-CU-OE-CXC, Deposition 9/26/2022
2. *Cruz v. Talentscale*, Riverside Superior Court Case No. RIC1821842, Deposition 5/26/2022
3. *Liggins v. GMRI*, Los Angeles Superior Court Case No. BC717321, Deposition 3/31/2022
4. *Ortega v. Carson Wild Wings*, Los Angeles Superior Court Case No. BC677389, Deposition 1/6/2022
5. *Cruz v. Dignity Health*, Sacramento County Superior Court Case No. 34-2018-

- 00245506, Deposition 11/23/2021
6. *Larson v. Mark Twain Medical Center*, Calaveras County Superior Court Case No. 19CV44062, Deposition 11/18/2021
7. *Powell v. St Joseph's Medical Center*, San Joaquin County Superior Court Case No. STK-CV-UOE-2019-00111555, Deposition 11/4/2021
8. *Johnson v. Bakersfield Memorial Hospital*, Kern County Superior Court Case No. BCV-19-102016, Deposition 10/25/2021
9. *Dawson v. GoHealth*, San Francisco County Superior Court Case No. CGC-19-577790, Deposition 10/21/2021
10. *Torrez v. Del Taco*, Alameda County Superior Court Judicial Counsel Coordination Proceeding No. 4904, Deposition 10/5/2021
11. *Ortega v. Carson Wild Wings*, Los Angeles Superior Court Case No. BC677389, Deposition 9/9/2021
12. *Haaverson v. Tavistock Freebirds*, Alameda Superior Court Case No. RG19030716, Trial 8/19/2021
13. *Escamilla v. Ono Hawaiian BBQ*, Los Angeles Superior Court Case No. BC651992, Deposition 8/16/2021
14. *Nash v. Horizon Freight Services*, Northern District Court Case No. 3:19-cv-01883-VC, Deposition 8/11/2021
15. *Harris v. Villa Del Rio*, Los Angeles Superior Court Case No. 19STCV28198, Deposition 6/18/2021
16. *Morgan v. Rohr*, Southern District Court Case No. 3:20-CV-00574-GPC-AHG, Deposition 5/24/2021
17. *Fortson v. COMPASS*, Alameda Superior Court Case No. RG16818319, Trial 5/17/2021
18. *Anderson v. Safe Streets*, Eastern District Case No. 2:18-CV-00323-KJM-GGH, Deposition 5/13/2021
19. *Christensen v. Carter's Retail*, Central District of California Case No. 8:20-cv-00776 JLS (KESx), Deposition 4/15/2021
20. *Fortson v. COMPASS*, Alameda Superior Court Case No. RG16818319, Deposition 3/26/2021

- 1 21. *Torrez v. Del Taco*, Alameda Superior Court Judicial Counsel Coordination
2 Proceeding No. 4904, Deposition 3/3/2021
- 3 22. *McCarty v. SMG*, Northern District of California Case No. 3:17-cv-06232-JD,
4 Deposition 2/4/2021
- 5 23. *Chaney v. Select Education Group*, Stanislaus Superior Court Case No. CV-19-
6 002224, Arbitration 12/4/2020
- 7 24. *Chaney v. Select Education Group*, Stanislaus Superior Court Case No. CV-19-
8 002224, Deposition 11/24/2020
- 9 25. *Zarate v. La Pizza Loca*, Los Angeles Superior Court Case No. BC642655,
10 Deposition 10/2/2020
- 11 26. *Cassiano Falero v. Southern California Pizza*, Orange County Superior Court
12 Judicial Counsel Coordination Proceeding No. 4725, Deposition 9/17/2020
- 13 27. *Hernandez v. Terminix International*, AAA Case No. 01-18-0000-4288,
14 Arbitration 9/8/2020
- 15 28. *Hernandez v. Terminix International*, AAA Case No. 01-18-0000-4288,
16 Deposition 8/12/2020
- 17 29. *Martinez v. AA Meat Products*, Los Angeles Superior Court Case No. BC650944,
18 Deposition 6/25/2020
- 19 30. *Shi v. J. Filippi Vintage Company*, San Bernardino Superior Court Case No.
20 CIVDS1806156, Trial 3/9/2020
- 21 31. *Rosales v. Staples Contract and Commercial*, Los Angeles Superior Court
22 Judicial Counsel Coordination Proceeding No. 4854, Deposition 2/4/2020
- 23 32. *Anderson v. Safe Streets*, AAA Case No. 01-18-0004-3136, Arbitration
24 11/19/2019
- 25 33. *Anderson v. Safe Streets*, AAA Case No. 01-18-0004-3136, Deposition
26 10/30/2019
- 27 34. *Kelly v. High Desert Support Services*, San Bernardino Superior Court Case No.
28 CIVDS1616463, Trial 10/1/2019
35. *Kelly v. High Desert Support Services*, San Bernardino Superior Court Case No.
CIVDS1616463, Deposition 9/9/2019

1 36. *Reed & Moore v. Aramark Uniform Services*, Alameda Superior Court Case No.
2 RG168322314, Deposition 8/9/2019

3 37. *Gamboa v. Nelson Miller*, Los Angeles Superior Court Case No. BC658201,
4 Deposition 4/2/2019

5 38. *Leyva v. SCPMG*, Los Angeles Superior Court Case No. BC621718, Deposition
6 7/26/2018

7 39. *Emard et al. v. Twin Cities Community Hospital*, AAA Case No. 01-17-0000-
8 1313, Arbitration 7/19/2018

9 40. *McConville v. Renzenberger*, Central District of California Western Division Case
10 No. 17-cv-02972-FMO-JC, Deposition 2/1/2018

11 41. *Galeano v. Royal Laundry*, San Mateo Superior Court Case No. CIV534888,
12 Deposition 10/12/2017

13 5. I have been retained by Counsel for Plaintiff in the matter of *Ortiz v. Altum Senior*
14 *Living, LLC*, San Francisco County Superior Court Judicial Council Coordination Proceeding
15 No. CJC-22-005258, to assist in evaluating the alleged wage and hour claims based upon the
16 employee data provided for putative class members in preparation for a 2022 mediation.

17 ***Data and Data Processing***

18 6. Beginning around November 10, 2022, Counsel for Plaintiff provided BCG with,
19 among other things, timekeeping data, payroll data, and putative class member demographic
20 information that I understand was provided to Counsel for Plaintiff by Counsel for Defendant.

21 7. The provided timekeeping data included, among other things, (1) an employee
22 identifier, (2) the date on which an employee worked, (3) the time at which an employee clocked
23 in, (4) the time at which an employee clocked out, and (5) the number of reported hours.

24 8. The provided payroll data included, among other things, (1) an employee
25 identifier, (2) the start and end dates of the pay period, (3) the number of hours and amount paid
26 of regular compensation, if applicable, (4) the number of hours and amount paid of overtime
27 compensation, if applicable, (5) the number of hours and amount paid of double time
28 compensation, if applicable, (6) the number of hours and amount paid of meal break premium
compensation, if applicable, (7) the amount paid of various bonuses and commissions, if

1 applicable, and (8) the amount of hours and amount paid of sick pay, if applicable.

2 9. I understand that a sample of approximately 89 individuals was provided from a
3 population of approximately 438 employees. This sample size of around 20% is typical in my
4 experience analyzing employee data for similarly sized populations. Based on my review of the
5 timekeeping and payroll data that was provided to BCG as well as figures provided by Counsel
6 for Defendant, I found that there are 438 employees, 109,730 shifts, and 24,533 workweeks, and
7 11,646 pay periods in the putative class, as well as 252 employees and 3,738 pay periods from
8 September 10, 2020 to December 8, 2022, approximately 337 terminated employees from
9 September 10, 2018 to December 8, 2022, and the average rate of pay was \$16.83.

10 10. Based on conversations with and assumptions from Counsel for Plaintiff, I
11 calculated the maximum potential exposure based on the data and demographic information
12 provided by Counsel for Defendant.

13 ***Off-the-Clock Work***

14 11. Based on instructions, assumptions, and my analysis, Defendant's potential
15 maximum exposure on the unpaid wages due to off-the-clock work claim is \$618,455, including
16 interest. The unpaid hours were calculated by multiplying the number of workweeks analyzed by
17 1 hour per workweek, which was an assumption provided by Counsel for Plaintiff. The unpaid
18 hours were multiplied by a mixture of the average base rate of pay and overtime rate of pay to
19 account for potential off-the-clock hours that would have surpassed 8 hours in a day or 40
20 regular hours in a week.

21 ***Meal Breaks***

22 12. Based on instructions, assumptions, and my analysis, Defendant's potential
23 maximum exposure on the meal break claim is \$41,672, including interest. I analyzed the
24 timekeeping data and calculated the meal break premiums owed by determining the number of
25 potential late, short, and missed meal breaks, which were then offset by the meal break premiums
26 already paid.

1 ***Rest Breaks***

2 13. Based on instructions, assumptions, and my analysis, Defendant's potential
3 maximum exposure on the rest break claim is \$1,069,042, including interest. The rest break
4 premiums were calculated by multiplying the number of rest break eligible shifts in the data
5 analyzed by a 50% violation rate, which was an assumption provided by Counsel for Plaintiff.

6 ***Unpaid Overtime***

7 14. Based on instructions, assumptions, and my analysis, Defendant's potential
8 maximum exposure for unpaid overtime wages based on a regular rate of pay claim is
9 approximately \$11,132, including interest. The overtime regular rate claim was calculated by
10 integrating certain earnings types (e.g., bonuses and commissions) into the overtime rate by
11 recalculating the regular rate of pay per pay period, and recalculating the overtime using the new
12 regular rate of pay, and then by deducting the overtime wages originally paid.

13 ***Unpaid Meal Break Premiums and Sick Pay***

14 15. Based on instructions, assumptions, and my analysis, Defendant's potential
15 maximum exposure for unpaid meal break premiums and sick pay based on a regular rate of pay
16 claim is approximately \$13,524, including interest. The meal break premium and sick pay
17 regular rate claims were calculated by integrating certain earnings types (e.g., bonuses and
18 commissions) into the meal break premium and sick pay rates by recalculating the regular rate of
19 pay per pay period, and recalculating the meal break premiums and sick pay using the new
20 regular rate of pay, and then by deducting the meal break premiums and sick pay originally paid.

21 ***Unreimbursed Business Expenses***

22 16. Based on instructions, assumptions, and my analysis, Defendant's potential
23 maximum exposure on the unreimbursed business expenses claim is approximately \$527,956,
24 including interest. The reimbursement claim was calculated by multiplying the number of
25 employees in the putative class by \$335, which was an assumption provided by Counsel for
26 Plaintiff. This was then added to a separate calculation done by multiplying the number of
27 distinct employee months (e.g., one employee's month) by \$40, which was a monthly
28

1 assumption provided by Counsel for Plaintiff.

2 ***Penalties***

3 17. Based on instructions, assumptions, and my analysis, Defendant's potential
4 maximum exposure on the waiting time penalty claim is \$1,302,546. The total waiting time
5 penalties were calculated by multiplying 30 days by the number of former employees from
6 September 10, 2018 to December 8, 2022 (337) and by the average rate of pay (\$16.83) and by
7 the average shift length (7.7 hours).

8 18. Based on instructions, assumptions, and my analysis, Defendant's potential
9 maximum exposure on the wage statement penalty claim is \$361,200. Given 3,738 pay periods
10 from September 10, 2020 to December 8, 2022, I calculated the wage statement penalties by
11 multiplying \$50 for each first pay period for the 252 employees and then multiplied \$100 for
12 each subsequent pay period for the remaining 3,486 pay periods and added together the two
13 totals. This total was then compared to the maximum \$4,000 penalty per person, and the lower
14 was used in my analysis.

15 19. Based on instructions, assumptions, and my analysis, Defendant's potential
16 maximum exposure on the PAGA penalty claim is \$373,800. The total PAGA penalties were
17 calculated by multiplying \$100 by the 3,738 pay periods, which was provided by Counsel for
18 Defendant for the time period from September 10, 2020 to December 8, 2022.

19 20. I may be asked to develop additional analyses, observations, and queries in
20 connection with any data Counsel for Plaintiff provides after the date this declaration is signed.
21 At that time, if appropriate, I will prepare a supplement to this declaration.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct this 26th day of January 2024 at Los Angeles, California.

24 

25 _____
26 Jarrett Gorlick
27
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Exhibit 1



Jarrett Gorlick CFP®

(818) 903-8824

jarrett@bergerconsultinggroup.com

Professional Experience

Berger Consulting Group

2016-PRESENT

Partner

- Create quantitative models and conduct quantitative analyses to assist attorneys prepare for various stages of litigation on more than 3,000 wage and hour lawsuits since 2016
- Analyze data from various industries including retail, healthcare, logistics, finance, hospitality, technology, and manufacturing for both single plaintiff cases and classes with more than 40,000 employees
- Perform data conversion using multiple commercial Optical Character Recognition (OCR) software to transform small to large volumes of documents and image files into Excel or other data formats like Microsoft Access databases
- Recognize patterns within data and automate calculations in order to objectively extract results from datasets
- Produce detailed reports, write case analysis summaries explaining results, and provide expert testimony of my findings

LPL Financial

2013-2017

Operations Manager

- Analyzed revenue data and created models to segment client base by revenue, Asset Under Management (AUM), and growth potential, facilitating annual AUM growth
- Developed the processes of repeatable, systematic investment research, securities trading, cash and client account management
- Implemented robust financial software, advancing data analysis and enhancing client recommendations via comprehensive financial plans

UCSB Extension

2016-2018

Instructor of Investment Analysis and Strategic Business Development

- Designed course curricula and materials to facilitate business development and corporate finance education commensurate with the University of California
- Utilized group projects, exams, and both academic and professional experience-based learning to ensure students with varying levels of professional and academic experience attained valuable skills and knowledge

Professional Credentials

- CERTIFIED FINANCIAL PLANNER™

Education

UCSB

2013

Bachelor of Arts (Honors Program; Double Major; Cumulative GPA: 3.83)

- *Economics (Major GPA: 3.95), Psychology (Major GPA: 3.69)*
- *Honors: Outstanding Scholastic Achievement in Economics for highest GPA in department, High Honors in College of Letters and Sciences, Dean's Honors List (8 quarters), United States Bowling Congress Scholarship*

Additional

- *Computer Skills:* Excel/VBA/Pivot, Python/R, STATA/SPSS, SQL, Access, Omnipage PDF Converter, ABBYY FineReader, Adobe Acrobat Pro
- *Volunteer Work:* Support Partners In Education, Santa Barbara Community Environmental Council, Casa Esperanza homeless shelter, UCSB Alumni Association, various UCSB Research Colloquia

Testimony

Berger Consulting Group

1. Rodriguez v Dynamic Auto Images, Orange County Superior Court Case No. 30-2019-01092692-CU-OE-CXC, Deposition 9/26/2022
2. Cruz v Talent Scale, Riverside County Superior Court Case No. RIC1821842, Deposition 5/26/2022
3. Liggins v GMRI, Los Angeles County Superior Court Case No. BC717321, Deposition 3/31/2022
4. Ortega v Carson Wild Wings, Los Angeles County Superior Court Case No. BC677389, Deposition 1/6/2022
5. Cruz v Dignity Health, Sacramento County Superior Court Case No. 34-2018-00245506, Deposition 11/23/2021
6. Larson v Mark Twain Medical Center, Calaveras County Superior Court Case No. 19CV44062, Deposition 11/18/2021
7. Powell v St Joseph's Medical Center, San Joaquin County Superior Court Case No. STK-CV-UOE-2019-00111555, Deposition 11/4/2021
8. Johnson v Bakersfield Memorial Hospital, Kern County Superior Court Case No. BCV-19-102016, Deposition 10/25/2021
9. Dawson v GoHealth, San Francisco County Superior Court Case No. CGC-19-577790, Deposition 10/21/2021
10. Torrez v Del Taco, Alameda County Superior Court Judicial Counsel Coordination Proceeding No. 4904, Deposition 10/5/2021
11. Ortega v Carson Wild Wings, Los Angeles County Superior Court Case No. BC677389, Deposition 9/9/2021
12. Haaverson v Tavistock Freebirds, Alameda County Superior Court Case No. RG19030716, Trial 8/19/2021
13. Escamilla v Ono Hawaiian BBQ, Los Angeles County Superior Court Case No. BC651992, Deposition 8/16/2021
14. Nash v Horizon Freight Systems, United States Northern District of California Case No. 3:19-cv-01883-VC, Deposition 8/11/2021
15. Harris v Villa Del Rio, Los Angeles County Superior Court Case No. 19STCV28198, Deposition 6/18/2021
16. Morgan v Rohr, United States Southern District of California Case No. 3:20-CV-00574-GPC-AHG, Deposition 5/24/2021
17. Fortson v Care Options Management Plans and Support Services, Alameda County Superior Court Case No. RG16818319, Trial 5/17/2021
18. Anderson v Safe Streets, United States Eastern District of California Case No. 2:18-CV-00323-KJM-GGH, Deposition 5/13/2021
19. Christensen v Carter's Retail, United States Central District of California Case No. 8:20-cv-00776 JLS (KESx), Deposition 4/15/2021
20. Fortson v Care Options Management Plans and Support Services, Alameda County Superior Court Case No. RG16818319, Deposition 3/26/2021
21. Torrez v Del Taco, Alameda County Superior Court Judicial Counsel Coordination Proceeding No. 4904, Deposition 3/3/2021
22. McCarty v SMG, United States Northern District of California Case No. 3:17-cv-06232-JD, Deposition 2/4/2021
23. Chaney v Select Education Group, Stanislaus County Superior Court Case No. CV-19-002224, Arbitration 12/4/2020
24. Chaney v Select Education Group, Stanislaus County Superior Court Case No. CV-19-002224, Deposition 11/24/2020
25. Zarate v La Pizza Loca, Los Angeles County Superior Court Case No. BC642655, Deposition 10/2/2020
26. Southern California Pizza Wage and Hour Cases, Orange County Superior Court Judicial Counsel Coordination Proceeding No. 4725, Deposition 9/17/2020
27. Hernandez v Terminix International, AAA Case No. 01-18-0000-4288, Arbitration 9/8/2020
28. Hernandez v Terminix International, AAA Case No. 01-18-0000-4288, Deposition 8/12/2020
29. Martinez v AA Meat Products, Los Angeles County Superior Court Case No. BC650944, Deposition 6/25/2020
30. Shi v J Filippi Vintage Company, San Bernardino County Superior Court Case No. CIVDS1806156, Trial 3/9/2020
31. Rosales v Staples Contract and Commercial, Los Angeles County Superior Court Judicial Counsel Coordination Proceeding No. 4854, Deposition 2/4/2020
32. Anderson v Safe Streets, AAA Case No. 01-18-0004-3136, Arbitration, 11/19/2019
33. Anderson v Safe Streets, AAA Case No. 01-18-0004-3136, Deposition 10/30/2019

34. Kelly v High Desert Support Services, San Bernardino County Superior Court Case No. CIVDS1616463, Trial 10/1/2019
35. Kelly v High Desert Support Services, San Bernardino County Superior Court Case No. CIVDS1616463, Deposition 9/9/2019
36. Reed & Moore v Aramark Uniform Services, Alameda County Superior Court Case No. RG16832314, Deposition 8/9/2019
37. Gamboa v Nelson Miller, Los Angeles County Superior Court Case No. BC658201, Deposition 4/2/2019
38. Leyva v SCPMG, Los Angeles County Superior Court Case No. BC621718, Deposition 7/26/2018
39. Emard v Twin Cities Community Hospital, AAA Case No. 01-17-0000-1313, Arbitration 7/19/2018
40. McConville v Renzenberger, United States Central District of California Case No. 17-cv-02972-FMO-JC, Deposition 2/1/2018
41. Galeano v Royal Laundry, San Mateo County Superior Court Case No. CIV534888, Deposition 10/12/2017