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

VANESSA MURILLO, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

SAN BERNARDINO MEDICAL
ORTHOPAEDIC GROUP, INC. DBA
ARROWHEAD ORTHOPAEDICS, a California
corporation, and DOES 1 through 10, inclusive,

Defendants.

Case No. CIVSB2128071

CLASS ACTION

*[Assigned for all purposes to Judge David
Cohn, Dept. S-26]*

**DECLARATION OF PLAINTIFF
VANESSA MURILLO IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

*[Filed with Memorandum of Points and
Authorities, the Declarations of Justin F.
Marquez and Stephen Gomez, and Proposed
Order]*

FINAL APPROVAL HEARING

Date: November 18, 2022

Time: 10:00 a.m.

Dept: S-26

DECLARATION OF PLAINTIFF VANESSA MURILLO

I, Vanessa Murillo, 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 named Plaintiff in this action and submit this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve my request of a \$10,000 service payment.

4. I am a former employee of San Bernardino Medical Orthopaedic Group, Inc. dba Arrowhead Orthopaedics ("Arrowhead Orthopaedics"). I worked at Arrowhead Orthopaedics from approximately October 2020 to February 2021 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Arrowhead Orthopaedics's policies and practices that have been alleged as unlawful in the Class Action Complaint ("Complaint") and Private Attorneys General Act ("PAGA") Notice sent to Arrowhead Orthopaedics and the Labor & Workforce Development Agency ("LWDA").

5. I have actively participated in the litigation of this action. Prior to the commencing of this case, I provided Wilshire Law Firm and my attorneys a detailed account of the facts related to my employment with Arrowhead Orthopaedics, including, but not limited to, my belief that Arrowhead Orthopaedics had a policy and practice of not providing its employees with California compliant meal and rest periods and requiring its employees to work "off-the-clock" prior to clocking in for the workday, during meal periods, and after clocking out for the workday. Additionally, I provided my counsel with wage statement documentation in support of the claims

1 brought against Arrowhead Orthopaedics. These documents, along with the anecdotes I shared
2 regarding my employment, assisted my attorneys in understanding the policies and practices at
3 Arrowhead Orthopaedics. I also regularly communicated with my attorneys and staff members of
4 Wilshire Law firm via telephone and text messages.

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

16 7. Throughout the course of the litigation, I maintained constant communication with
17 my attorneys and discussed pertinent matters relevant to the lawsuit. I asked questions when I
18 wanted to know what was being done to advance the interests of the Class or simply wanted an
19 update regarding the case. I understood that a recovery would not only benefit me but would
20 benefit my fellow coworkers as well. At all times, I made myself available to answer any questions
21 that my attorneys had about my employment.

22 8. This was especially true leading up to and during the mediation that took place on
23 April 19, 2022. In preparation for the mediation, I had extensive conversations with my attorneys
24 regarding the nuanced issues that we were going to advance during the negotiation process with
25 the mediator. During the mediation session, I was available to speak with my attorneys, answer
26 any questions that arose, and provide any additional documentation that was necessary to assist the
27 settlement discussions.

28 9. On or about June 3, 2022, I reviewed the Joint Stipulation re: Class Settlement

1 (“Settlement Agreement”) in full and discussed all the terms with my attorneys. My attorneys
2 answered all the questions I had regarding the Settlement Agreement. I believe the settlement
3 terms and allocations are fair, adequate, and reasonable given the strength of the class claims and
4 Arrowhead Orthopaedics’ defenses. That same day, I signed the Settlement Agreement.

5 10. I estimate that I spent approximately 40 hours searching for and collecting
6 documents related to my employment, speaking with my attorneys throughout the litigation,
7 helping my attorneys prepare for mediation, discussing the particulars and reasonableness of the
8 settlement, and reviewing/signing documents related to the settlement.

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

13 12. I have observed my attorneys’ work throughout this case. They have been
14 thorough, diligent, prompt, courteous, and professional, and I believe they are fully entitled to the
15 award of fees that they have requested for their hard work.

16 13. 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 currently employed in a
19 part-time capacity, but I am mindful that prospective employers might find out that I sued
20 Arrowhead Orthopaedics, and this could hurt my employability. Nevertheless, I felt that
21 important rights were at stake that hurt everyone, and something ought to be done about it.

22 14. I understand that the settlement agreement provides a service payment in the
23 amount of \$10,000 to me. I believe this amount is fair compensation for my time and effort on
24 this case, for helping to prosecute this case, and the risks with respect to my future employment.
25 In addition, the settlement requires that I enter into a general release, which I understand is
26 broader than the release that will bind other class members.

27 15. I respectfully request that the Court award me a \$10,000 service payment. Based
28 on my involvement in this case and the benefits provided to my former co-workers, I can say I

1 helped stand up for the other workers who were too afraid to say anything to management
2 because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was
3 not afraid to take that risk because I strongly care about helping out my former co-workers.

4 16. I do not have any interest, financial or otherwise, in the third-party administrator,
5 Simpluris.

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

8 Executed on 10/25/2022, at San Bernardino, California.

DocuSigned by:



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Vanessa Murillo

PROOF OF SERVICE

Murillo v. San Bernardino Medical Orthopedic Group, Inc., et al.
CIVSB2128071

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I, Sandy S. Sespene, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

On **October 26, 2022**, I served the foregoing **DECLARATION OF PLAINTIFF VANESSA MURILLO IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Joshua Carlon (SBN 263838)
joshua.carlon@lewisbrisbois.com
Robert Walker (SBN 254337)
Robert.Walker@lewisbrisbois.com

LEWIS BRISBOIS
633 W. 5th Street, Suite 4000
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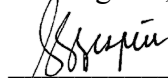
Attorneys for Defendant,
San Bernardino Medical Orthopedic Group, Inc.

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site

(X) **BY MAIL:** I enclosed the above documents in a sealed envelope with postage thereon fully prepaid and placed for collection and mailing on the above date in accordance with ordinary business practices. I am readily familiar with this firm's practice of collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service the same day in the ordinary course of business pursuant to Cal. Code Civ. Proc. § 1013(a).

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

Executed on **October 26, 2022**, at Los Angeles, California.



Sandy S. Sespene