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

VIRGINIA PAYABYAB, MARIE APONTE,
MEGAN WILDER, individually, and on behalf of
all others similarly situated,

Plaintiffs,

v.

BRIDGE HOSPICE LLC, a California
corporation, and DOES 1 through 10, inclusive,

Defendants.

Case No.: 37-2021-00046218-CU-OE-CTL

CLASS ACTION

*[Assigned for all purposes to: Hon. Timothy
Taylor, Dept. C-72]*

**DECLARATION OF VIRGINIA
PAYABYAB IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

*[Filed concurrently with: Plaintiff's Notice of
Motion and Motion for Final Approval of
Class Action Settlement; Memorandum of
Points and Authorities; Declarations of Justin
F. Marquez Marie Aponte, Megan Wilder,
and Irvin Garcia (Settlement Administrator)
in Support of Motion; and [Proposed] Order
Granting Motion.]*

FINAL APPROVAL HEARING

Date: December 8, 2023

Time: 1:30 p.m.

Dept: C-72

Complaint filed: October 29, 2021
FAC filed: December 7, 2022

DECLARATION OF VIRGINA PAYABYAB

I, Virgina Payabyab, 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 Bridge Hospice LLC (“Bridge Hospice”). I worked at Bridge Hospice from approximately January 2021 to September 2021 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Bridge Hospice’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 Bridge Hospice and the Labor & Workforce Development Agency (“LWDA”).

4. I have actively participated in the litigation of this action. Prior to the commencement of this case, I provided Wilshire Law Firm and my attorneys a detailed account of the facts related to my employment with Bridge Hospice, including, but not limited to, my belief that Bridge Hospice 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. Bridge Hospice also failed to reimburse me for necessary business expenses incurred by me and other employees. Additionally, I provided my counsel with wage statement documentation in support of the claims brought against Bridge Hospice. These documents, along with the anecdotes I shared regarding my employment, assisted my attorneys in understanding the policies and practices at Bridge Hospice. I also regularly communicated with my attorneys and staff members of Wilshire Law firm via telephone and text messages.

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

12 6. Throughout the course of the litigation, I maintained constant communication with
13 my attorneys and discussed pertinent matters relevant to the lawsuit. I asked questions when I
14 wanted to know what was being done to advance the interests of the Class or simply wanted an
15 update regarding the case. I understood that a recovery would not only benefit me but would
16 benefit my fellow coworkers as well. At all times, I made myself available to answer any questions
17 that my attorneys had about my employment. This was especially true leading up to and during
18 the mediation that took place on September 27, 2022. In preparation for the mediation, I had
19 extensive conversations with my attorneys regarding the nuanced issues that we were going to
20 advance during the negotiation process with the mediator. During the mediation session, I was
21 available to speak with my attorneys, answer any questions that arose, and provide any additional
22 documentation that was necessary to assist the settlement discussions.

23 7. On or about January 10, 2023, I reviewed the Class Action and PAGA Settlement
24 and Release (“Settlement Agreement”) in full and discussed all the terms with my attorneys. My
25 attorneys answered all the questions I had regarding the Settlement Agreement. I believe the
26 settlement terms and allocations are fair, adequate, and reasonable given the strength of the class
27 claims and Bridge Hospice’s defenses. That same day, I signed the Settlement Agreement.

28 8. I estimate that I spent approximately 30 hours searching for and collecting

documents related to my employment, speaking with my attorneys throughout the litigation, helping my attorneys prepare for mediation, discussing the particulars and reasonableness of the settlement, and reviewing/signing documents related to the settlement.

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

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

11. I did not make the decision to file a class action lightly. I was concerned by the attention a publicly filed lawsuit, and especially a class action, would attract. My name would be associated with a lawsuit that I filed against my former employer. I am currently employed, but I am mindful that my current and prospective employers might find out that I sued Advance Structural, and this could hurt my employability. Nevertheless, I felt that important rights were at stake that hurt everyone, and something ought to be done about it.

12. I understand that the settlement agreement provides a service payment in the amount of \$10,000.00 to me, but the Court has approved the amount of \$5,000 at preliminary approval. I believe this amount is fair compensation for my time and effort on this case, for helping to prosecute this case, and for the risks with respect to my future employment. In addition, the settlement requires that I enter into a general release, which I understand is broader than the release that will bind other class members.

13. I respectfully request that the Court award me a \$5,000 service payment. 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.

14. I do not have any interest, financial or otherwise, in the proposed cy pres recipient,

1 Legal Aid at Work, or the third-party administrator, CPT Group, Inc.

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

4 Executed on 11/13/2023 at [Escondido], California.

5 DocuSigned by:

6 *Virginia Payabyab*

7 Virginia Payabyab

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Los Angeles, CA 90010-1137

PROOF OF SERVICE

Virginia Payabyab, et al. v. Bridge Hospice LLC, et al.
37-2021-00046218-CU-OE-CTL

STATE OF CALIFORNIA)
) ss
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 **November 14, 2023**, I served the foregoing **DECLARATION OF VIRGINIA PAYABYAB IN SUPPORT OF PLAINTIFFS' 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:

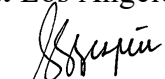
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Attorneys for Defendant

- (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.
- (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.

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

Executed on November 14, 2023, at Los Angeles, California.



Sandy S. Sespene