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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

GLORIA GUINILING, an individual, on
behalf of herself, on behalf of all persons
similarly situated,

Plaintiff,

vs.

ESCONDIDO MEDICAL INVESTORS
LIMITED PARTNERSHIP LIFE CARE
CENTER OF ESCONDIDO, a Limited
Partnership; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 37-2022-00019520-CU-OE-CTL

**DECLARATION OF GLORIA
GUINILING IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: August 18, 2023

Hearing Time: 9:00 a.m.

Judge: Hon. Matthew C. Braner

Dept.: 60

Action Filed: May 23, 2022

Trial Date: Not set

1 I, Gloria Guiniling, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I worked for defendant Escondido Medical Investors Limited Partnership Life Center
10 Care of Escondido ("Escondido Medical Investors") in California from October of 2013 to
11 September of 2021 and was classified by Escondido Medical Investors as a non-exempt
12 employee during that time period.
13

14 4. I retained my attorneys who are experienced in both class action and PAGA
15 representative action litigation and claims against employers for violations of the California
16 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
17 Court. I am not aware of having any actual or potential conflicts of interest with another class
18 member in this case nor am I aware of having any actual or potential conflicts of interest with
19 ILYM Group, the settlement administrator. I am not aware of any other pending matter or action
20 asserting claims that will be extinguished or adversely affected by this settlement.
21

22 5. I decided to file this class action lawsuit and be a plaintiff/class representative because
23 I felt that my legal rights as an employee and others like me were violated. For example, due to
24 my heavy workload, staff shortages and company policies that required employees to be on call
25 and ready to respond at all times, I regularly did not receive compliant meal and rest breaks
26 which were often late, interrupted or missed entirely. Also, I did not receive the meal and rest
27

1 break premium payments I was entitled to when these violations occurred.

2 6. Before the complaint was filed I spoke to my attorneys several times and discussed how
3 Escondido Medical Investors implemented its company policies and procedures. I also assisted
4 my attorneys in their investigation into my claims by providing them documents and answering
5 their questions. I reviewed the complaint before it was filed and after it was filed I was given
6 access to an electronic file sharing program that alerted me via email when important documents
7 were filed so that I could review them and keep up with the developments in the case which I
8 understood was one of my duties as a class representative. I would also contact my attorneys
9 from time to time if I had any questions about the case.
10

11 7. Even though this action is in the process of settling, I was and remain prepared to
12 perform all the duties of a class representative. I understand that as a class representative I have
13 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
14 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
15 benefit of the class members and surrender any right to compromise the group action for an
16 individual gain.
17

18 8. I understood that being a plaintiff/class representative in this case meant that I
19 was seeking damages not only for myself but also other current and/or former non-exempt
20 employees working for Escondido Medical Investors in California. I felt that these individuals
21 were not aware of their labor law rights and even if they were they would probably be
22 apprehensive about speaking up or even simply because of the time, effort and risk involved in
23 filing a class action lawsuit.
24

25 9. I understood that being a part of this lawsuit involved risks. For example, my
26 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
27

1 pay for all or part of the attorney fees and costs paid by Escondido Medical Investors to defend
2 this lawsuit. Also, I knew there was a risk that future employers, if they ever found out about
3 this lawsuit, could hold it against me or downgrade me as a potential hire. As the only named
4 Plaintiff in this case it would not be difficult for a future employer to become aware that I sued a
5 former employer for labor law violations. Ultimately I decided these risks were worth it and
6 decided to fight for my rights and the rights of others regardless of the risks, time and effort I
7 spent on this case.
8

9 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
10 kept up to date on important developments by reviewing court filings that were made available to
11 me electronically as I described above.
12

13 11. A mediation took place on March 15, 2023 with Tripper Ortman, a well-respected
14 and experienced mediator of wage and hour class actions. After the all-day mediation the parties
15 were able to reach an agreement to settle the action based on a mediator's proposal. I
16 communicated with my attorneys regarding the terms of the settlement which was reached
17 between the parties and understood that I was representing absent class members and therefore
18 wanted the best possible result to be obtained for the class members and I believe a very positive
19 result was in fact achieved via settlement. I reviewed and signed the Memorandum of
20 Understanding on March 27, 2023 and when the final settlement papers were ready, I closely
21 reviewed the Settlement Agreement which I signed on June 28, 2023.
22

23 12. I have been actively involved with this lawsuit performing the duties described above.
24 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
25 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
26 the settlement process. I estimate that I spent approximately 30-40 hours working on this case
27

up until this point. I believe I have been diligent and have done what is expected of a named plaintiff and a proposed class representative to date, and will continue to do so. I have and always will maintain the best interest of the class members.

13. My attorneys explained to me that the settlement process involves a two-step review by the Court to determine whether the settlement is fair before approving the settlement. I know this process also involves notifying all class members of the settlement terms and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

14. I believe I did the right thing by filing this case on behalf of the class members who, subject to court approval, are in line to receive monetary payments as a result of this case and settlement. This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel significant personal satisfaction to know that I played a role in the class members being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the requested Class Representative Service Payment of \$10,000 from the settlement is fair compensation for the work I performed and the risks I undertook.

15. As part of the settlement it was necessary for me to sign a general release of all claims I may have against Escondido Medical Investors. I believe the Class Representative Service Payment I have requested provides me with some compensation for this agreed release.

16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying Escondido Medical Investor's costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the general release, and in light of the size of the settlement, I believe the request for \$10,000 as a Class Representative service payment is fair and reasonable.

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

3 Executed on Jul 23, 2023, at SAN DIEGO, CA
4 (city, state)

5 *gloria guiniling*

6 gloria guiniling (Jul 23, 2023 01:53 PDT)

Gloria Guiniling