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*Attorneys for Plaintiffs, the Putative Collective,
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and on behalf of the State of California*

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

ANDREA SALONGA and DANIELA
MELGOZA, individually and on behalf of all
others similarly situated and the State of
California,

Plaintiffs,

v.

AEGIS SENIOR COMMUNITIES, LLC,
d/b/a AEGIS LIVING; and DOES 1 through
100, inclusive,

Defendants.

Case No.: 22CV007450

**DECLARATION OF DANIELA MELGOZA
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
SETTLEMENT**

Date: January 25, 2024

Time: 3:00 p.m.

Dept: 514

Judge: Hon. Noël Wise

Reservation ID: 106613794847

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DECLARATION OF DANIELA MELGOZA

I, Daniela Melgoza, declare as follows:

1. I am a named plaintiff and a representative of the putative Class and Collective in the above-captioned matter (the “Action”) against Defendant Aegis Senior Communities, LLC d/b/a Aegis Living (“Defendant”).

2. I am over the age of eighteen. The following statements are based on my personal knowledge. I submit this Declaration in Support of Plaintiffs’ Motion for Preliminary Approval of Settlement (“Motion”). If called upon to testify as to the matters stated herein, I could and would do so competently.

3. I was employed by Defendant from November 2021 to January 2022 as a Caregiver at Defendant’s Aptos, California facility. I experienced many issues in my employment with Defendant, including but not limited to: Defendant incorrectly calculated my earned wages; Defendant did not pay me for all the time worked while off the clock at the minimum wage or overtime wage rate, including during the time period when Defendant was subject to a breach in its Kronos payroll system; Defendant required me to remain on duty during my meal and rest breaks, or I missed, had late, or shortened meal breaks and Defendant did not pay me a meal period premium.

4. As a result of these issues, I believed I experienced wage violations and meal and rest break violations. I knew that my co-workers had similar experiences. I wanted to do something about these issues for all of us, so I decided to contact Schneider Wallace Cottrell Konecky LLP (“SWCK”).

5. SWCK and Aegis Law Firm PC (“Aegis”) are representing me in this matter.

6. Prior to filing the case, I had multiple telephone conversations with my attorneys about my work experiences and possible claims.

7. I knew there was no guarantee we would be successful in the case and that there was a significant chance of protracted litigation. I realized that my name would be associated with a class action, and that this information could be visible to others. I also understood that I may spend a significant amount of time in the discovery process.

8. Additionally, I realized that my name would be on multiple class and representative actions, and that this information could be visible to others. This is particularly significant for me, because I knew I was placing myself at personal risk. For example, I faced (a) risk to my reputation in my community as a result of stepping forward publicly in a class action; (b) risk to my reputation as it concerns my future employment opportunities; (c) risk that I would be subject to intrusive discovery and time demands in this litigation; and (d) risk that I would have to pay defense costs if I lost this case. These risks are front and center for me because this lawsuit may be visible to future employers.

9. Nevertheless, I felt strongly that Defendant had unlawful wage and hour policies. I therefore decided to proceed as a representative plaintiff and file a lawsuit. I understood that I would serve as a named plaintiff, the representative of a proposed class of California workers, a representative of a proposed collective of nationwide workers, and the representative employee for claims under the California Labor Code Private Attorneys General Act.

10. After learning about the duties and procedures involved with representing the interests of the Class, I decided I wanted to serve as a named plaintiff and class representative, which was no small task. It was a major time commitment and demanded my attention and focus. Although I knew being a class representative was a serious and time-consuming commitment, I felt a sense of duty to represent my co-workers who faced the same difficulties that I did, but were too afraid to challenge Defendant's practices.

11. I worked with my attorneys to review facts and answer questions so they could draft the complaint. My attorneys filed my initial class and collective complaint in *Melgoza v. Aegis Senior Communities LLC*, Northern District of California, Case No. 3-22-cv-01756-LB on about March 18, 2022. My attorneys filed my PAGA Complaint in *Melgoza v. Aegis Senior Communities LLC*, San Francisco Superior Court, Case No. CGC-22-599517, on about May 5, 2022.

12. Since that time, I engaged in efforts to pursue the claims in this Action. For example, in advance of the mediation, I assisted my attorneys in preparing for the mediation and was available to answer questions from my attorneys. I remained on-call during the mediation and stayed updated

1 regarding the process. In addition, after we reached the proposed Settlement, I carefully reviewed the
2 terms and discussed it with my attorneys before signing it. The Settlement is a very lengthy document,
3 and I reviewed it closely. Based on my review and my attorneys' evaluation and recommendation, I
4 believe the Settlement is fair and reasonable and the proposed Service Award is fair and reasonable.

5 13. Throughout this action, I have been in constant communication with my attorneys to
6 keep apprised of the status of the litigation and answer questions as needed. I have kept up to date on
7 the status at every phase.

8 14. In sum, I worked with my attorneys to prepare the complaints; provided documents
9 and information regarding my experience working for Defendant; stayed up to date on the case, the
10 mediation process and settlement discussions; and otherwise remained in constant contact with my
11 attorneys. Over the course of this litigation, I estimate I have contributed at least 42 hours of my own
12 time to the litigation of these claims.

13 15. To make this proposed Settlement a reality, I understand that I agreed to a broader
14 release than other Class and Collective Members. But I am willing to agree to this broader release
15 because I know it helped the parties reach a compromise that I believe is a great result for the Class
16 and Collective Members I represent. I took my role as Class and Collective Representative to heart,
17 and took my duties as Class representative very seriously. Although I was concerned that my
18 participation in this case could result in negative personal or employment consequences, that did not
19 stop me from stepping forward as a representative and named plaintiff to help my fellow Class and
20 Collective Members who went through the same struggles I did with Defendant.

16. Aside from payment I am eligible to receive as a Class and Collective Member and the Service Award of \$10,000.00 for serving as Class Representative that I understand are subject to the Court's approval, I am not receiving any other benefits from this Settlement.

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

Executed on 10 / 11 / 2023 at Castro, California.

Daniela Melgoza