

JAMES HAWKINS APLC
James R. Hawkins, Esq. (#192925)
Gregory Mauro, Esq. (#222239)
Michael Calvo, Esq. (#314986)
9880 Research Drive, Suite 200
Irvine, CA 92618
Tel.:(949) 387-7200
Fax:(949) 387-6697
Email: James@jameshawkinsaplc.com
Email: Greg@jameshawkinsaplc.com
Email: Michael@jameshawkinsaplc.com

Attorneys for Plaintiff CATALINA ROSALES, individually and
On behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

LORRAINE WALTERS, JENNIFER
THORNTON, AMPARITO DOMINGUEZ,
TAMERIA HARTLEY, MARIEL JINN
GARCIA, MARINA MARTINEZ, TWINKLE
TUTTLE, MARIA SALDANA JONES,
EUNICE LEON, OSVALDO LEON,
ELIZABETH HARBERT, KYLE C.
BURKARDT, and CATALINA ROSALES, as
individuals, on behalf of themselves and on
behalf of all persons similarly situated,

Plaintiffs,

vs.

TOTAL RENAL CARE, INC., DAVITA,
INC., RENAL TREATMENT
CENTERS-CALIFORNIA, INC., DVA
RENAL HEALTHCARE, INC., DAVITA
HEALTHCARE PARTNERS, INC.,
VILLAGEHEALTH DM, LLC, AND
PATIENT PATHWAYS,

Defendants.

Case No.: 37-2021-00007716-CU-OE-NC

*[Assigned to Hon. Lauri A. Damrell, Dept
22, for all purposes]*

**DECLARATION OF PLAINTIFF
CATALINA ROSALES IN SUPPORT
OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT**

Date: February 7, 2025
Time: 9:00 a.m.
Dept.: 22
Reservation ID #: **A-19163-001**

Action Filed: May 2, 2022
Trial Date: None Set

DECLARATION OF CATALINA ROSALES

I, Catalina Rosales, declare as follows:

1. I am over the age of eighteen. I submit this Declaration in support of the concurrently filed Motion for Preliminary Approval of the Class Action and PAGA Settlement. The following is based upon my personal knowledge, and if called as a witness, I could and would competently testify regarding the statements in this Declaration.

2. I worked for Defendant DaVita Inc., (“Defendant”) during the liability beginning in approximately March 2023. My job title was Patient Care Tech.

3. Prior to filing this lawsuit, I searched for an attorney and found James Hawkins, APLC. I never knew James Hawkins, APLC before my consultation with them. After my consultation, I asked them to represent me in bringing a class action on behalf of myself and all other similarly situated non-exempt employees of Defendants.

4. I knew the actions complained of in the complaint not only happened to me but happened to the other employees of Defendants that I worked with. I wanted to help the other non-exempt workers vindicate their rights, so I decided to bring the lawsuit that we filed in the San Bernardino County Superior Court on or about September 29, 2023.

5. I believe my situation is similar and has been similar to all other non-exempt employees like me who worked for Defendant during the class period. The complaint which I brought against Defendant alleges claims on a class and representative basis for the failure to pay wages California labor laws, including but not limited to, failure to timely pay wages, failure to provide accurate itemized wage statements, failure to reimburse expenses, unfair business practices, and violation of the Private Attorneys’ General Act (“PAGA”). I believe my claims are typical of the other Class Members, and I can represent our common claims because I believe Defendant applied the same policies, practices and schedules for us all and treated me and all Class Members similarly throughout the class period and in California.

6. I believe that my interests have been and continue to be in alignment with the Class Members, and I am willing to continue to pursue and prosecute their class and representative claims against Defendants in this litigation. I believe I do not have any interests

1 which are against the interests of the Class Members, and I will continue to do what is best for all
2 the Class Members rather than myself, as I have done from the beginning of this case.

3 7. My relationship with James Hawkins, APLC is purely an attorney client
4 relationship and there are no other business, familial or social relationships between my attorney
5 and myself. In addition, I do not have any relationship with Defendants other than being a former
6 employee of Defendants. For these reasons, there is no conflict of interest between myself, my
7 attorney, between Defendant, and myself or between the Class and myself

8 8. As one of the Class Representatives in this case, I participated in every aspect of
9 the litigation and have been apprised of its progress. I believe I have maintained the best interests
10 of the Class Members while performing my Class Representative duties, and I participated in
11 many interviews and conferences with class counsel regarding the conduct and settlement of this
12 matter. I prepared for my deposition, although one was not taken because we settled the case; I
13 have spoken with several other Class Members and provided information regarding their claims
14 to my counsel in support of proving the class claims and establishing what happened to us as a
15 group of employees.

16 9. My counsel has informed me that this information, along with the details and
17 support I provided for my class claims, were very important in convincing Defendants to
18 negotiate the settlement now before the Court for approval. I have also provided many
19 documents to class counsel in support of the class claims, have helped my attorneys with
20 preparing written questions and what documents to ask for, and I have invested a lot of time and
21 effort in performing my duties on behalf of the Class. I also conducted numerous meetings with
22 my counsel to prepare for and discuss Defendants' information requests in advance of the
23 mediation.

24 10. After reviewing the settlement agreement and speaking with my counsel about it,
25 I agreed to sign it on behalf of myself and all the other Class Members. I signed the settlement
26 because I believe the Settlement obtained in this case on behalf of the Class is very fair,
27 sufficient, and reasonable in view of the facts I know and have been made aware of, and due to
28 the risk of going through further litigation. I believe the average payouts for the class members

are very reasonable considering all the facts and evidence and risks moving the case forward to trial.

11. I have not received and understand I will not receive any consideration or promises that are different from any of the other Class Members will receive under the Settlement. I understand this is because all Settlement Class Members who do not ask to be excluded will receive individual settlement payments under the formulas in the settlement agreement, which I understand to be fair.

12. I also understand and believe to be fair the settlement allocation formula and believe it fairly accounts for the individual settlement payments based on the strengths and weaknesses of the various alleged claims and also considering the individual compensation and pay rates for the various class members over the settlement period.

13. I also understand my counsel will request that I be awarded a Class Representative Enhancement Award of \$10,000.00 for my efforts as a Class Representative, and that this additional payment is not guaranteed, but must be approved by the Court. I believe the requested enhancement payment is fair and reasonable based upon the results we have achieved for the Class Members and because of the tasks I have performed on their behalf, including:

- Compilation of many documents for my attorneys;
- Review of many documents with my attorneys;
- Conducting preparation with my attorneys and participating in responding to information for mediation and formal and informal discovery requests;
- Prepared for my deposition;
- Several telephone conferences with my attorneys and their representatives;
- Participation in the mediation; and
- Participation in the preliminary approval with class counsel and reviewing and signing related documents.

14. I estimate that I have spent approximately 40 hours helping to prosecute this matter.

1 15. I also believe the requested Class Representative Enhancement Award is fair and
2 reasonable because my decision to accept the risk of being a Class Representative in a class
3 action under the Labor Code may affect my future ability to get other jobs in this industry. I also
4 understood and accepted the risk of potentially being liable for the opposing parties' costs and
5 attorneys' fees if I was unsuccessful in this lawsuit. I voluntarily assumed these real and large
6 risks and the case would not have been brought without me and the other class members. I
7 believe the Class Members will receive a good benefit by resolving their claims against
8 Defendants under the terms of the settlement.

9 16. I declare under penalty of perjury under the laws of California that the foregoing is
10 true and correct. Executed on this 7 day of January 2025 at San Bernardino, California.

DocuSigned by:
Catalina Rosales
56710CE3C6B94EB...

CATALINA ROSALES