

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
Sean M. Blakely (SBN 264384)
sblakely@haineslawgroup.com
Alexandra R. McIntosh (SBN 320904)
amcintosh@haineslawgoup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

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, LLC; and DOES 1
through 50, inclusive,

Defendants.

CASE NO.: 34-2022-00319163-CU-OE-GDS

**DECLARATION OF PLAINTIFF
OSVALDO LEON IN SUPPORT OF
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date: February 7, 2025
Hearing Time: 9:00 a.m.

Judge: Hon. Lauri A. Damrell
Dept: 22

Date Filed: May 2, 2022
Trial Date: Not set

DECLARATION OF OSVALDO LEON

I, Osvaldo Leon, declare as follows:

1. I am an individual over the age of 18 and am one of the named plaintiffs in this matter. This declaration is submitted in support of approval of the proposed class action settlement (“Settlement”) reached in this case. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called upon to do so.

2. I worked for Defendants Renal Treatment Centers – California, Inc. and DaVita, Inc. (“Defendants”) as a non-exempt “Patient Care Technician I” from approximately July 2019 until approximately October 2022. During my employment with Defendants, I was subject to Defendants’ wage and hour policies and practices that are at issue in this case.

3. During my employment with Defendants, I was not provided with timely, full, uninterrupted meal and rest breaks due to my workload and the need to respond to patient demands. I was also required to undergo COVID-19 temperature checks and screenings at the beginning of the workday, however, I do not believe I was compensated for this time because these temperature checks and screenings were performed off-the-clock. As a result, I do not believe I was paid for all hours that I worked. I also had to use my cell phone to communicate with doctors, nurses and other staff, however, Defendants did not reimburse me for my cell phone use. I also received various incentive pay, including “Village Lives” bonuses, shift differentials, and other pay during my employment with Defendants. However, I do not believe Defendants included these payments when calculating my overtime wages. As a result of these violations, it is my understanding that I did not receive accurate paystubs and did not receive all wages that were owed to me when I stopped working for Defendants.

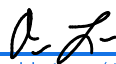
4. I have been actively involved in this case since I first retained Haines Law Group, APC (“HLG”) in 2023. On October 20, 2023, I filed a class action lawsuit against Defendants Renal Treatment Centers – California, Inc. and DaVita, Inc. in Riverside Superior Court. Without waiving the attorney-client privilege, prior to filing my lawsuit, my attorneys explained my role and responsibilities as a Class Representative, and I understand my responsibilities as a Class Representative. Since retaining my attorneys, I have had many discussions with the attorneys and

1 staff at HLG, including discussions regarding Defendants' wage and hour practices and my claims
2 in this case, potential witnesses, litigation strategy, updates on how the case was proceeding, the
3 Settlement, and how I could help the case and potential Settlement Class members. I also gathered
4 and reviewed documents for use in the lawsuit and reviewed relevant documents with my
5 attorneys. I estimate that I have spent at least 35-40 hours on this case from the time I first spoke
6 with my attorneys regarding this case until the present. I also understand that as part of the
7 Settlement, I have agreed to a general release of claims against Defendants, which is broader than
8 the release of claims agreed to by other Settlement Class members.

9 5. When this lawsuit was filed, I understood that this lawsuit could benefit former
10 and current employees by helping to recover their unpaid wages, unpaid meal and rest period
11 premiums, and other penalties. I knew there was a risk that I could be liable for Defendants' costs
12 if we lost the case. I accepted this risk because I wanted Defendants to pay its current and former
13 employees for their unpaid wages and penalties. Even though I understood that filing a lawsuit is
14 a public record, I accepted that burden in order to help former, current, and future employees. As
15 far as I am aware, I have no actual or potential conflicts with any of the Settlement Class members.

16 6. I understand that my attorneys will request that the Court approve a Class
17 Representative Service Payment of \$10,000.00 for my efforts on behalf of the Settlement Class.
18 I believe this amount is reasonable based on the amount of time and effort I have devoted to this
19 case and the risks I have undertaken as a class representative, as described above. My support for
20 the Settlement is not contingent on me receiving this enhancement payment.

21 I declare under penalty of perjury under the laws of the State of California and the United
22 States that the foregoing is true and correct. Executed on 01/06/2025, 2025 in
23 Corona, California.

24 
25 Osvaldo Leon (Jan 7, 2025 19:34 PST)
26 Osvaldo Leon
27
28