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TWINKLE TUTTLE  
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SACRAMENTO  
12

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

18 Plaintiffs,  
19

20 vs.

21 TOTAL RENAL CARE, INC., DAVITA,  
INC., RENAL TREATMENT CENTERS—  
22 CALIFORNIA, INC., DVA RENAL  
HEALTHCARE, INC., DAVITA  
23 HEALTHCARE PARTNERS, INC.,  
VILLAGEHEALTH DM, LLC, AND  
24 PATIENT PATHWAYS, LLC; and DOES 1  
through 50, inclusive,  
25

26 Defendants.  
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**CASE NO.: 34-2022-00319163-CU-OE-GDS**

**DECLARATION OF MICHAEL ELKIN IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS AND PAGA 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

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1. I am an attorney duly licensed to practice law in the state of California. I am a founding and managing partner at Elkin Gamboa, LLP, counsel of record for Plaintiff Donovan Sheffield (hereafter “Plaintiff Sheffield”) in this action. The facts stated herein are of my personal knowledge and I could competently testify thereto if called upon to do so.
2. I am an experienced employment and class action attorney with a successful track record in litigating class actions.
3. I graduated *Magna Cum Laude* with a Bachelor of Arts degree from the University of California, Los Angeles in 2004.
4. I received my Juris Doctorate from the University of California, Los Angeles in 2012. I am admitted to practice law before the following courts: United States District Court, Northern, Central, Eastern, and Southern Districts of California, and all of California’s state courts.
5. I have been practicing law full time for over 11 years. 90% of my and my firm’s practice has been devoted to individual and complex class, collective and representative action employment litigation. Currently, half of my firm’s practice involves class action and representative action prosecution of wage and hour laws in state and federal courts and on appeal.
6. I am an active member of the California Employment Lawyers’ Association (“CELA”) and I have attended numerous Continuing Legal Education courses pertaining to advocacy on behalf of employees and employment class actions.
7. Currently, my firm is acting as counsel in tens of wage and hour class actions representative PAGA actions.
8. Each of the attorneys at my firm and I have considerable experience handling complex wage and hour class action cases with claims similar to those asserted in this action and have successfully represented tens of thousands of employees in state and federal court cases

1 throughout California.

2 9. As counsel for Plaintiff and the proposed Settlement Class, I have been intimately  
3 involved in every aspect of this case from its inception through the present, and I believe the  
4 proposed Settlement is a good result for the Settlement Class.

5  
6 **The Enhancement Award for Plaintiff Tuttle is Reasonable**  
7

8 10. Plaintiff Twinkle Tuttle (“Plaintiff”) will apply for a service award at final approval  
9 in the amount of \$10,000. Plaintiff Tuttle was integral in the prosecution of this action, by among  
10 other things providing substantial factual information and documents to Class Counsel,  
11 participating in multiple meetings with Class Counsel to discuss the claims and theories at issue in  
12 the litigation, and otherwise actively participating in the prosecution of their claims. In addition,  
13 Plaintiff risked intrusive discovery and the payment of employer costs. In the experience of Class  
14 Counsel, the typical enhancement award in wage and hour class actions ranges from  
15 approximately \$10,000 to \$25,000, although some awards are higher. Here, a limited enhancement  
16 of \$10,000 to Plaintiff Tuttle and the other named plaintiffs is appropriate in light of Plaintiff’s  
17 services to the Class.

18 11. On August 10, 2022, Plaintiff, through my office, filed a class action complaint in  
19 the matter entitled *Twinkle Tuttle v. DVA Renal Healthcare, Inc., et al.*, Los Angeles Superior  
20 Court, Case No. 22STCV25918 (the “*Twinkle Tuttle* Action”). The *Twinkle Tuttle* Action alleges  
21 causes of action for minimum wage violations, failure to pay all overtime wages, meal period  
22 violations, rest period violations, waiting time penalties, failure to pay all wages by the appropriate  
23 pay period, failure to provide accurate itemized statements, and unfair competition.

24 12. After the filing of the *Twinkle Tuttle* Action, I was informed that other related wage  
25 and hour class and representative actions were pending against Defendants in various Courts  
26 throughout the State of California.

1. On March 19, 2024, all Parties participated in an all-day global mediation to resolve the *Twinkle Tuttle* Action and the related cases pending against Defendants. The Parties ultimately agreed to a global settlement.

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

Executed on January 10, 2025, in Burbank, California.

By:

Michael Elkin