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Attorneys for Plaintiff Ferdinand Abad on behalf of himself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN MATEO

FERDINAND ABAD, on behalf of himself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

ST. THERESE CONVALESCENT
HOSPITAL, INC., a California corporation,
d/b/a DEVONSHIRE OAKS NURSING
CENTER, and DOES 1 through 10, inclusive,

Defendants.

CASE NO: 22-CIV-02119

*Assigned to the Hon. Nancy L. Fineman,
Dept. 4*

**DECLARATION OF FERDINAND ABAD
IN SUPPORT OF RENEWED
UNOPPOSED MOTION FOR AN ORDER
APPROVING SETTLEMENT OF
CLAIMS BROUGHT PURSUANT TO
THE PRIVATE ATTORNEYS GENERAL
ACT OF 2004, AWARDING
ATTORNEYS’ FEES, COSTS,
ENHANCEMENT AWARD PAYMENT,
AND REIMBURSEMENT OF
SETTLEMENT ADMINISTRATION
EXPENSES, AND DISMISSING ACTION
WITH PREJUDICE**

Date: December 5, 2023

Time: 2:00 P.M.

Dept.: 4

Complaint Filed: May 26, 2022

Trial Date: None

1 I, FERDINAND ABAD, hereby declare and state as follows:

2 1. I am a named Plaintiff in this lawsuit against Defendant St. Therese
3 Convalescent Hospital, Inc., d/b/a Devonshire Oaks Nursing Center (“Defendant”) and I
4 submit this declaration in support of Plaintiff’s Renewed Unopposed Motion For An
5 Order Approving Settlement Of Claims Brought Pursuant To The Private Attorneys
6 General Act Of 2004, Awarding Attorneys’ Fees, Costs, Enhancement Award Payment,
7 And Reimbursement Of Settlement Administration Expenses, And Dismissing Action
8 With Prejudice. I am a competent adult and worked for Defendant as a non-exempt
9 employee between August 2018 and May 2021. I have personal knowledge of the facts
10 set forth herein, and if called as a witness to testify to them, I could and would do so
11 competently.

12 2. I contacted my current attorneys when I questioned the employment
13 practices of Defendant prior to commencing this lawsuit. I accepted the opportunity to
14 act as a representative on behalf of other employees of Defendant in this action whom I
15 believed were being subjected to labor law violations. I pursued this case on a
16 representative basis so that I could help other employees recover for what I believed were
17 Defendant’s improper practices.

18 3. Specifically, I questioned Defendant’s policies of failing to pay all
19 minimum and overtime wages earned, to pay for all time spent on-call, to provide legally
20 compliant meal and rest periods, or compensation in lieu thereof, to reimburse for all
21 necessary business expenses incurred, to timely pay all wages due during employment, to
22 issue accurately itemized wage statements, and to timely pay all wages due at the
23 separation of employment. Through many discussions with my lawyers, I learned these
24 may be illegal practices and Defendant’s employees might have recourse for them.

25 4. I also intended to assert my individual claims against Defendant, either in a
26 separate action, or through arbitration. During my employment with Defendant, I allege
27 that I regularly worked more than ten hours in a day, but was told that I was not entitled
28

1 to any overtime pay until working more than forty hours in a week. Even when I worked
2 more than forty hours in a week, I allege that I did not receive all my overtime pay owed
3 to me. I also allege that I was required to work off-the-clock before and after my shifts
4 and was required to be on-call, without pay, after my shift ended. At a minimum, I estimate
5 that I allegedly worked at least two hours of work off-the-clock per day. Through
6 discussions with my lawyers, I learned that these issues may be very individualized to me.

7 5. By bringing this lawsuit, and throughout its course, I have put the interests
8 of other employees ahead of my own. I understood that I could possibly earn an incentive
9 award if this case resolved itself favorably, but I also knew that I could also be responsible
10 for paying Defendant's attorneys' fees and costs if it did not.

11 6. My goal in bringing this lawsuit was to obtain a recovery on behalf of all
12 employees of Defendant, and even more importantly, to put an end to what I believed
13 were illegal practices on the part of Defendant. I believe I have achieved both through
14 this lawsuit and settlement.

15 7. I am very happy about the results of this litigation. I am satisfied that
16 Defendant is compensating other Aggrieved Employees and the State for penalties that I
17 believe we are due.

18 8. At the onset of this case, I spent time through numerous phone calls with
19 several of my attorneys explaining what I understood to be Defendant's policies and
20 practices and how they were applied to other employees. I kept actively involved with the
21 status of this case throughout the litigation process, tracking the status of the case and
22 participating as much as possible.

23 9. While I have not maintained detailed time records of my activities in
24 connection with this litigation, I believe that I have spent a total of approximately 15-20
25 hours assisting my attorneys with the preparation of this case and doing work and
26 investigation of the facts independent from my attorneys both before and during this case.

10. Before this litigation commenced, and throughout its course, I spent approximately 3-4 hours gathering, organizing, and reviewing documents and information for this lawsuit. I sifted through many of my own documents and reviewed information produced by Defendant as part of this litigation.

11. I communicated with my attorneys several times per month to track my case's status. I have taken an active involvement in this matter throughout its course.

12. Taking the initiative with this case was very risky for me, both professionally and financially. I put principal first and took a tremendous risk by filing this lawsuit. I am quite confident that pursuing this lawsuit will result in future reputational harm to me. There is a stigma associated with suing one's former employer. I suspect I may be adversely affected when it comes to obtaining future employment – employers who discover that I sued Defendant in a representative action will likely avoid hiring me.

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

Executed on 10 / 12 / 2023 at Freeman, California.

Ferdinand Abad
FERDINAND ABAD