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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

VICTORIA GARCIA, on behalf of the State
of California, as a private attorney general,

Plaintiff,

vs.

ST. PAUL'S EPISCOPAL HOME, INC. a
California Corporation; and DOES 1 through
50, inclusive,

Defendants.

CASE NO.: 37-2022-00022641-CU-OE-CTL

**DECLARATION OF VICTORIA GARCIA
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

Hearing Date: April 4, 2025

Hearing Time: 8:30 a.m.

Judge: Hon. Blaine K. Bowman

Dept: C-74

Date Filed: November 30, 2021

Trial Date: Not set

1 I, Victoria Garcia, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in
3 the above-entitled matter. I submit this declaration in support of the Motion for
4 Preliminary Approval of Class Settlement and in support of my application for a Class
5 Representative Service Payment.

6 2. I have personal knowledge of all the facts stated herein. I could and would
7 competently testify under oath to these facts in court if requested to do so.

8 3. During the class period I worked as a Assistant Dietary Specialist for the
9 Defendant St. Paul's Episcopal Home, Inc., Community Eldercare of San Diego, and St.
10 Paul's Senior Services ("St. Paul's") ("Defendant") in California and during that time
11 period I was classified by Defendant as a non-exempt employee.

12 4. I retained my attorneys who are experienced in both class action and PAGA
13 representative action litigation and claims against employers for violations of the
14 California Labor Code. I have no personal relationship or family ties to my attorneys or
15 any officer of the Court. I am not aware of having any actual or potential conflicts of
16 interest with another class member in this case nor am I aware of having any actual or
17 potential conflicts of interest with ILYM Group, Inc., the settlement administrator. I am
18 not aware of any other pending matter or action asserting claims that will be extinguished
19 or adversely affected by this settlement.

20 5. I decided to pursue this class action lawsuit and be a plaintiff/class
21 representative because I felt that my legal rights as an employee and others like me were
22 violated. I often sacrificed meal and rest breaks due to Defendant's demanding schedule,
23 overwhelming amount of clients, and in large part due to the fact that Defendant was
24 consistently understaffed. I also did not receive all the meal and rest break premiums I was
25 entitled to. I also used my cell phone for work related issues, including but not limited to
26 scheduling issues and other daily updates related to my job. My cell phone was generally
27 available to my co-workers and all of them discussed work related issues many times
28 through the day. Defendant did not compensate me for the use of my personal cell phone.

1 Further, I also drove my personal vehicle for Defendant's benefit as I was often required to
2 pick up supplies for Defendant's benefit. I was not reimbursed for such mileage associated
3 with this work.

4 6. I spoke to my attorneys several times and discussed how Defendants implemented
5 their company policies and procedures. I also assisted my attorneys in their investigation
6 into my claims by providing them documents and answering their questions. I reviewed
7 the complaint before it was filed and, after it was filed, I was given access to an electronic
8 file sharing program that alerted me via email when important documents were filed so
9 that I could review them and keep up with the developments in the case which I
10 understood was one of my duties as a class representative. I would also contact my
11 attorneys from time to time if I had any questions about the case.

12 7. Even though this action is in the process of settling, I was and remain prepared to
13 perform all the duties of a class representative. I understand that as a class representative I
14 have assumed a fiduciary responsibility to prosecute this class action on behalf of the
15 absent class members. I have understood that as a fiduciary, I have a duty to prosecute this
16 action for the benefit of the class members and surrender any right to compromise the
17 group action for an individual gain.

18 8. I understood that being a plaintiff/class representative in this case meant that I
19 was seeking damages not only for myself but also other current and/or former non-exempt
20 employees working for Defendants in California who make up the class. I felt that these
21 individuals were not aware of their labor law rights and even if they were they would
22 probably be apprehensive about speaking up or even simply because of the time, effort and
23 risk involved in filing a class action lawsuit.

24 9. I understood that being a part of this lawsuit involved risks. For example, my
25 attorneys explained to me that if the case went to trial and we lost, I could be held
26 responsible to pay for all or part of the attorney fees and costs paid by Defendants to
27 defend this lawsuit. Also, I knew there was a risk that future employers, if they ever find

1 out about this lawsuit, could hold it against me or downgrade me as a potential hire. As a
2 named plaintiff in this case, it would not be difficult for a future employer to become
3 aware that I sued my employer for labor law violations. Ultimately I decided these risks
4 were worth it and decided to fight for my rights and the rights of others regardless of the
5 risks, time and effort I spent on this case.

6 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
7 kept up to date on important developments by reviewing court filings that were made
8 available to me electronically as I described above.

9 11. A mediation took place on December 11, 2023 with Cynthia Remmers, a well-
10 respected and experienced mediator of wage and hour class actions. During the mediation,
11 the parties were able to reach an agreement to settle the action. I communicated with my
12 attorneys regarding the terms of the settlement which was reached between the parties and
13 understood that I was representing absent class members and therefore wanted the best
14 possible result to be obtained for the class members and I believe a very positive result was
15 in fact achieved via settlement. I reviewed and signed the Memorandum of Understanding
16 on May 4, 2024, and when the final settlement papers were ready, I closely reviewed the
17 Settlement Agreement which I signed on February 20, 2025.

18 12. I have been actively involved with this lawsuit performing the duties described
19 above. Although I did not keep time records, I was in regular contact with my attorneys,
20 reviewed court filings, and spent a significant amount of time on the issues presented
21 during the lawsuit and in the settlement process. I estimate that I spent approximately 50-
22 60 hours working on this case up until this point. I believe I have been diligent and have
23 done what is expected of a named plaintiff and a proposed class representative to date, and
24 will continue to do so. I have and always will maintain the best interest of the class
25 members.

26 13. My attorneys explained to me that the settlement process involves a two-step
27 review by the Court to determine whether the settlement is fair before approving the

1 settlement. I know this process also involves notifying all class members of the settlement
2 terms and of their rights to make a claim for their settlement share, to opt out of the
3 settlement or to object to the settlement.

4 14. I believe I did the right thing by filing this case on behalf of the class members
5 who, subject to court approval, are in line to receive monetary payments as a result of this
6 case and settlement. This is money they may never have ever gotten if I did not pursue this
7 action on their behalf. I feel significant personal satisfaction to know that I played a role in
8 the class members being entitled to monetary payments as a result of the filing of this
9 lawsuit. I also believe that the requested Class Representative Service Payment of \$15,000
10 from the settlement is fair compensation for the work I performed and the risks I
11 undertook.

12 15. As part of the settlement it was necessary for me to sign a general release of all
13 claims I may have against Defendants. I believe the Class Representative Service Payment
14 I have requested provides me with some compensation for this agreed release.

15 16. In light of all the time and effort I have spent on this case, the risk I undertook by
16 suing my employer, the exposure to being responsible for paying Defendants' costs in the
17 event we did not win the case, the reputational risk that future employers may hold this
18 lawsuit against me, the general release and in light of the size of the settlement, I believe
19 the request for \$15,000 as a Class Representative service payment is fair and reasonable.
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21 I declare under penalty of perjury under the laws of the State of California that the foregoing is
22 true and correct.

23 Executed on 03/07/2025, at La Mesa, California.
24 (city, state)

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27 Victoria Garcia

28 DECLARATION OF VICTORIA GARCIA IN SUPPORT OF MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT

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