

1 **BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP**

2 Norman B. Blumenthal (State Bar #068687)

3 Kyle R. Nordrehaug (State Bar #205975)

4 Aparajit Bhowmik (State Bar #248066)

5 2255 Calle Clara

6 La Jolla, CA 92037

7 Telephone: (858)551-1223

8 Facsimile: (858) 551-1232

9 Attorneys for Plaintiffs

10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA**

12 MARIA CHONA RODRIGUEZ, an
13 individual, on behalf of herself, and on
14 behalf of all persons similarly situated,

15 Plaintiff,

16 vs.

17 EL TORO MEDICAL INVESTORS
18 LIMITED PARTNERSHIP, a Limited
19 Partnership; LIFE CARE CENTERS OF
20 AMERICA, INC., a Corporation; and DOES
21 1 through 50, inclusive,

22 Defendants.

Case No. **8:16-CV-00059-JLS-KES**

**DECLARATION OF MARIA CHONA
RODRIGUEZ IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
SETTLEMENT**

Judge: Hon. Josephine L. Stanton

Hearing Date: June 22, 2018

Hearing Time: 2:30 p.m.

Action Filed: January 15, 2016

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2 I, Maria Chona Rodriguez, declare as follows:

3 1. I am over the age of eighteen, a Plaintiff and a Proposed Class Representative in the
4 above-entitled matter. I submit this declaration in support of Plaintiffs' Motion for Final Approval
5 of Class Settlement and in support of my application for a service award. I have personal
6 knowledge of all the facts stated herein. I could and would competently testify under oath to these
7 facts in court if requested to do so.

8 2. I began working for Defendants El Toro Medical Investors Limited Partnership and
9 Life Care Centers of America, Inc. (jointly, "El Toro") as a Licensed Practical Nurse in February
10 of 2014 and remained employed by El Toro until February of 2015. I decided to file this class
11 action lawsuit for the benefit of myself and other non-exempt employees and prospective
12 employees of El Toro who executed El Toro's standard FCRA disclosure form and be a class
13 representative because I felt that El Toro violated my legal rights as an employee and others
14 similarly situated because, among other things, they did not pay us correctly for the amount of hours
15 we worked and also did not give us all required meal and rest periods.

16 3. This class action case was originally filed in January of 2016. Since that time I have
17 been keeping up with important developments in the case. Even before the lawsuit started I spoke
18 to my attorneys several times and discussed how El Toro implemented its company policies and
19 procedures. I also assisted my attorneys in their investigation into my claims by providing them
20 documents and answering their questions. I reviewed the complaint before it was filed and after
21 the complaint was filed I was given access to an electronic file sharing program that alerted me via
22 email when important documents were filed so that I could review them and keep up with the
23 developments in the case. I would also call my attorneys from time to time if I had any questions
24 about the case. My attorneys at the Blumenthal law firm were regularly available when I contacted
25 them.

26 4. I understood that being a plaintiff/class representative in this case meant that I was
27 seeking damages for myself and other non-exempt employees working for El Toro in California.
28 It seemed pretty clear to me that former and current El Toro employees were not aware of their

1 labor law rights and even if they were they would probably be too afraid to speak up for fear of
2 being fired or even simply because of the time, effort and risk involved in filing a class action
3 lawsuit.

4 5. I also understood that being a part of this lawsuit involved risks. I knew there was
5 a risk that future employers, if they asked or found out about this lawsuit, could hold it against me.
6 My attorneys also explained to me that if the case went to trial and we lost, I could be held
7 responsible to pay for all or part of the attorney fees and costs paid by El Toro to defend this lawsuit.
8 Despite the stress and anxiety, I decided these risks were worth it and decided to fight for my rights
9 and the rights of others regardless of the risks and time & effort I spent on this case.

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

13 7. I did not attend the mediation held on May 16, 2017. I did make myself available
14 by telephone that day and spoke with my attorneys about the terms of the settlement that were
15 reached. I was happy with the settlement and believe it was a great result for the class members
16 that I represented. I reviewed and signed the Memorandum of Understanding on May 22, 2017 and
17 when the settlement agreement was ready, I reviewed it and spoke to my attorneys before signing
18 it on August 18, 2017.

19 8. For the past 28 months I have been actively involved with this class action lawsuit
20 performing the duties described above. Although I did not keep time records, I was in regular
21 contact with my attorneys, reviewed important court filings and spent a lot of time on the issues
22 presented during the lawsuit and in the settlement process. I estimate that I spent between 40 and
23 50 hours working on this case.

24 9. My attorneys explained to me that the settlement process involves a two-step review
25 by the Court to determine whether the settlement is fair before approving the settlement. I knew
26 this process also involved notifying all class members of the settlement terms and of their rights to
27 make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

28 10. I believe I did the right thing by filing this case on behalf of the class who are in line

1 to receive significant monetary payments as a result of this case and settlement. I also believe that
2 the requested enhancement of \$10,000 from the settlement is fair compensation for the work I
3 performed and the risks I undertook.

4 11. As part of the settlement it was necessary for me to sign a general release of all
5 claims I may have against El Toro. I believe the service award I have requested provides me with
6 some compensation for this agreed release.

7 12. In light of all the time and effort I have spent on this case, the exposure to being
8 responsible for paying Defendants' costs in the event we did not win the case, the risk that future
9 employers may hold this lawsuit against me, the general release, and in light of the size of the
10 settlement, I believe the request for \$10,000 as a service award is fair and reasonable.

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

13 Executed on May 23, 2018, at Anaheim, Ca.

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15 
16 Maria Chona Rodriguez (May 23, 2018)

17 Maria Chona Rodriguez
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