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Attorneys for Plaintiff ANGEL PEREZ
On behalf of herself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

ANGEL PEREZ, on behalf of herself and all
others similarly situated,

Plaintiff,

vs.

HILTON MANOR, LLC; BLUE JAY
MANOR, LLC; JUNIPER MANOR, LLC;
BRIGHT SKY HOME HEALTH CARE,
INC.; BRIGHT SKY HOSPICE CARE INC.;
ELEANOR ISWINARI POSNER; and DOES
3-50, inclusive,

Defendants.

) Case No. CIVSB2220728

) **DECLARATION OF ANGEL PEREZ IN**
) **SUPPORT OF PLAINTIFF'S MOTION**
) **FOR PRELIMINARY APPROVAL OF**
) **CLASS ACTION SETTLEMENT;**
) **CONDITIONAL CERTIFICATION OF**
) **SETTLEMENT CLASS; APPOINTMENT**
) **OF CLASS REPRESENTATIVE, CLASS**
) **COUNSEL AND SETTLEMENT**
) **ADMINISTRATOR; APPROVAL OF**
) **CLASS NOTICE PACKET; AND**
) **SETTING OF FINAL APPROVAL**
) **HEARING**

) Date: July 31, 2024
) Time: 8:30 a.m.
) Judge: Hon. Jessica Morgan
) Dept: S-26

) Action Filed: September 16, 2022
) Trial Date: None

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**DECLARATION OF ANGEL PEREZ IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT; CONDITIONAL CERTIFICATION OF SETTLEMENT CLASS; APPOINTMENT OF
CLASS REPRESENTATIVE, CLASS COUNSEL AND SETTLEMENT ADMINISTRATOR; APPROVAL OF CLASS
NOTICE PACKET; AND SETTING OF FINAL APPROVAL HEARING**

DECLARATION OF ANGEL PEREZ

I Angel Perez, declare and state as follows:

1. I am the named plaintiff in this action and was employed as a non-exempt hourly employee by defendants Hilton Manor, LLC ("Hilton Manor") and Juniper Mannor, LLC. ("Juniper Manor") and their owner Eleanor Posner (collectively the "Defendants"). I have personal knowledge of the facts stated herein and would and could testify competently thereto if sworn as a witness.

2. Defendants is a small family owned and run skilled nursing provider in San Bernardino County, California.

3. I was hired by Defendants on or about October 31, 2018 as a non-exempt hourly nurse at the Hilton Manor location and worked at that location until approximately April 2022. I also worked at Defendants' Juniper Manor location throughout 2020. My employment with Defendants ended around April of 2022.

4. While employed by Defendants I worked a schedule of 12 hour shifts 3 days a week at both the Hilton Manor location and the Juniper Manor location. When working these 12 hour shifts I was never paid overtime after 8 hours of work in a day.

5. During my employment with Defendants I worked closely with other nurses and they also worked 12 hours shifts, without the payment of daily overtime to the best of my knowledge.

6. To my knowledge Defendants also did not hold a proper alternative workweek election until late October of 2020.

7. I understand that I am the class representative for this lawsuit. I understand that as a class representative I represent the class, which is defined as: "All persons currently or formerly employed by Defendants Hilton Manor, LLC and Juniper Manor, LLC as hourly-paid, non-exempt employees who worked an alternative workweek schedule of 12 hours a workday, 3 workdays a workweek during the Class Period" (the "Class"). The "Class Period" is defined as period from September 16, 2018 to December 1, 2020.

8. I understand my duties and responsibilities to the Class, which are described in detail below:

- a. represent the interests of all members of his or her class in the litigation to recover money damages, penalties or obtain injunctive relief for the Class;
- b. has claims that are typical of those of the Class, and thus involve common issues of law and/or fact;
- c. always considers the interests of the Class just as he or she would consider his or her own interests, and in some cases must put the interests of the Class before their own interests. This means that the Class Representative is a fiduciary or guardian to the class;
- d. always actively participate in the lawsuit, as necessary, by, among other things, answering interrogatories, producing documents and giving deposition testimony;
- e. recognizes and accepts that any resolution of the lawsuit, by dismissal or settlement, is subject to court approval, and must be designed in the best interest of the class as a whole;
- f. volunteer to represent or champion many other people with similar claims and injuries.

9. I have served the Class for more than one and a half years by stepping forward to represent the Class in this matter. I have taken time away from work and my family to speak to the attorneys on the case and educate myself on the case, the claims, the progress of the case, and the details of the settlement agreement that was reached following the mediation on March 18, 2024 that I was also involved with. I have provided answers and documents in response to around 70 interrogatories, 55 requests for production, 21 requests for admissions, and a large number of form interrogatories. I have signed declarations and reviewed papers in support of this case, as well as spoken to Mr. Favarote and his associate David Danning over a dozen times. I am also willing to do more and take this case to trial if necessary. I understand that if the settlement does not go through for any reason I must be involved in the case through trial.

10. As stated, I have reviewed the settlement agreement that I signed and believe it is a very good deal for the Class and it is in all of our best interest to move forward with that deal instead of dragging this case out with a small family run business.

11. I will continue to adequately represent the interests of all members of the Class. The proposed Class is made up of approximately 284 current and former non-exempt hourly employees who worked an alternative workweek schedule like me. I do not have any antagonistic interests to others in the Class, and intend to vigorously, adequately and fairly represent our interests until the settlement is finally approved, and if the settlement is not approved, until the trial of the case.

12. I have considered the interests of the other putative Class members just as I have my own interests and understand that I have to put the interests of the other putative Class members before my own. I have volunteered to represent the other putative Class members because of the importance of the case and so that other putative Class members can benefit from the enforcement of the law and the savings of time, money and effort that should result in the settlement of this case on a classwide basis.

13. I have enthusiastically did all that was required not for my own sake, but for the benefit of all members of the Class and to be the “champion” of the Class.

14. I also am assuming the risk of being black-listed with future employers for being the named plaintiff in a class action against my former employer. Today employers can easily go online and find out about any litigation that a job candidate has been involved in and refuse to hire or even interview me based on my leadership role in this case. This is exceptionally true in the nursing community in the Inland Empire as I have already had one potential employer refuse to hire me because they heard about my involvement in this case. By bringing this case I put a target on my back as I knowingly risk this cost to my reputation, future job prospects, and the potential payment of Defendants costs in order to pursue this lawsuit which will benefit approximately 284 other individuals. I am glad that I have been able to advocate for their interest. I truly believe that the settlement is fair and in the best interest of the Class.

15. I believe that a class representative enhancement of \$10,000.00 for me is fair and reasonable under the circumstances. This enhancement takes into consideration the time, effort, risk, stress, and stigma. This amount is also proper because of the substantial benefit provided to the approximate 284 Class members as a direct result of my involvement in this litigation.

16. I believe I have been diligent and acted above and beyond that of which is expected of a class representative, and will continue to do so up to and including final approval of the class action settlement, and if it is not approved, through trial.

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

Executed on 08/07/2024 at Mentone, California.

Rogel Perez

Angel Perez

PROOF OF SERVICE

I, Thomas Steinhart, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My business address is Gleason & Favarote, LLP, 3646 Long Beach Blvd., Suite 203, Long Beach, CA 90807.

On July 9, 2024, I served a copy(ies) of the following document(s):

DECLARATION OF ANGEL PEREZ IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT; CONDITIONAL CERTIFICATION OF SETTLEMENT CLASS; APPOINTMENT OF CLASS REPRESENTATIVE, CLASS COUNSEL AND SETTLEMENT ADMINISTRATOR; APPROVAL OF CLASS NOTICE PACKET; AND SETTING OF FINAL APPROVAL HEARING

on the parties to this action by having them placed them in a sealed envelope(s) addressed as follows:

Attorney	Party(ies) Served	Method of Service
Erick J. Becker, P.C. Garrett Fahy Hwui Lee CUMMINS & WHITE, LLP 2424 S.E. Bristol St., Ste. 300 Newport Beach, CA 92660 Tel: (949) 852-1800 Fax: (949) 852-8510 ebecker@cwlawyers.com gfahy@cwlawyers.com hlee@cwlawyers.com dpimentel@cwlawyers.com dgabrielson@cwlawyers.com	Attorney for Defendants HILTON MANOR, LLC; BLUE JAY MANOR, LLC; JUNIPER MANOR, LLC; BRIGHT SKY HOME HEALTH CARE, INC.; BRIGHT SKY HOSPICE CARE INC.; and ELEANOR ISWINARI POSNER	By Hand

☐ [BY OVERNIGHT COURIER] I caused the sealed envelope(s) to be delivered by a commercial courier service for overnight delivery to the offices of the addressee(s).

☒ [BY HAND] I directed the sealed envelope(s) to the party(ies) so designated on the service list to be delivered by Ace Attorney Service this date.

☐ [BY FACSIMILE TRANSMISSION] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

☐ [BY DESIGNATED ELECTRONIC FILING SERVICE] I hereby certify that the above-referenced document(s) were served electronically on the parties listed herein at their most recent known email address or email of record by submitting an electronic version of the document(s) to One Legal, LLC, through the user interface at www.onelegal.com.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on July 9, 2024, at Long Beach, California.

Thomas Steinhart