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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

ALEXANDRIA ILENE KABITZKE, an)
individual, on behalf of herself and on behalf of)
all persons similarly situated,

Plaintiff,

vs.

CENTRO DE SALUD DE LA COMUNIDAD)
DE SAN YSIDRO, INC., a California)
Corporation; and Does 1 through 50, Inclusive,

Defendants.

Case No. 37-2022-00046873-CU-OE-CTL

**DECLARATION OF JACQUELINE
HERNANDEZ IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: October 9, 2024

Hearing Time: 1:30 PM

Judge: Honorable Gregory Pollack

Dept: C-71

Date Filed: November 18, 2022

Trial Date: Not set

1 I, Jacqueline Hernandez, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff in the matter *Jacqueline Hernandez v. Centro de*
3 *Salud de la Comunidad de San Ysidro, Inc.*, San Diego Superior Court Case No. 37-2021-
4 00017369 and an intervenor in the above-entitled matter. I submit this declaration in support of
5 the Motion for Final Approval of Class Settlement and in support of my application for a Class
6 Representative Service Award.
7

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

10 3. During the class period I worked as a Registered Nurse for the Defendant Centro De
11 Salud De La Comunidad De San Ysidro d/b/a San Ysidro Health (“Centro” or “Defendant”) in
12 California and during that time period, I was classified by Centro as a non-exempt employee.
13

14 4. I retained my attorneys who are experienced in both class action and PAGA
15 representative action litigation and claims against employers for violations of the California
16 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
17 Court. I am not aware of having any actual or potential conflicts of interest with another class
18 member in this case nor am I aware of having any actual or potential conflicts of interest with
19 ILYM Group, Inc., the settlement administrator. I am not aware of any other pending matter or
20 action asserting claims that will be extinguished or adversely affected by this settlement.
21

22 5. I decided to pursue this class action lawsuit and be a plaintiff/class representative
23 because I felt that my legal rights as an employee and others like me were violated. For example,
24 I often did not receive compliant meal and rest breaks which were late, interrupted or missed
25 entirely. I also did not receive all the meal and rest break premiums I was entitled to and when I
26 did receive premium payments they were often an incorrect amount. Additionally, I was required
27 to use my personal home office equipment for company business for a time without
28

1 reimbursement. I was also required to work off the clock at times, but I was not paid any wages
2 for this time I worked for the company.

3 6. I spoke to my attorneys several times and discussed how Centro implemented its
4 company policies and procedures. I also assisted my attorneys in their investigation into my
5 claims by providing them documents and answering their questions. I reviewed the complaint
6 before it was filed and after it was filed, I was given access to an electronic file sharing program
7 that alerted me via email when important documents were filed so that I could review them and
8 keep up with the developments in the case which I understood was one of my duties as a class
9 representative. I also prepared for and appeared for deposition to provide testimony for my case.
10 My deposition was taken over the course of two days – the first day of my deposition was on
11 April 29, 2022 and the second day of my deposition was on December 13, 2022. I would also
12 contact my attorneys from time to time if I had any questions about the case.
13
14

15 7. Even though this action is in the process of settling, I was and remain prepared to
16 perform all the duties of a class representative. I understand that as a class representative I have
17 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
18 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
19 benefit of the class members and surrender any right to compromise the group action for an
20 individual gain.
21

22 8. I understood that being a plaintiff/class representative in this case meant that I was
23 seeking damages not only for myself but also other current and/or former non-exempt employees
24 working for Centro in California who make up the class. I felt that these individuals were not
25 aware of their labor law rights and even if they were they would probably be apprehensive about
26 speaking up or even simply because of the time, effort and risk involved in filing a class action
27 lawsuit.
28

1 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
2 explained to me that if the case went to trial and we lost, I could potentially be held responsible
3 to pay for all or part of the attorney fees and costs paid by Centro to defend this lawsuit. Also, I
4 knew there was a risk that future employers, if they ever find out about this lawsuit, could hold it
5 against me or downgrade me as a potential hire. As one of only three named Plaintiffs in this
6 case it would not be difficult for a future employer to become aware that I sued my employer for
7 labor law violations. Ultimately, I decided these risks were worth it and decided to fight for my
8 rights and the rights of others regardless of the risks, time and effort I spent on this case.

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

14 11. A mediation took place on September 19, 2022 with Hon. William C. Pate (Ret.), a well
15 respected and experienced mediator of wage and hour class actions. The matter did not settle. A
16 second mediation took place with Hon. William C. Pate (Ret.) on January 25, 2024. After the
17 January 25, 2024 mediation, the parties were able to reach an agreement to settle the action. I
18 communicated with my attorneys regarding the terms of the settlement which was reached
19 between the parties and understood that I was representing absent class members and therefore
20 wanted the best possible result to be obtained for the class members and I believe a very positive
21 result was in fact achieved via settlement. I closely reviewed the Addendum to Stipulation of
22 Class Action and PAGA Settlement which I signed on March 1, 2024.

24 12. I have been actively involved with this lawsuit performing the duties described above.
25 Although I did not keep time records, I was in regular contact with my attorneys, I carefully
26 prepared for and appeared for my two-day deposition, I reviewed court filings, and I spent a
27 significant amount of time on the issues presented during the lawsuit and in the settlement
28

1 process. I estimate that I spent approximately 60-70 hours working on this case up until this
2 point. I believe I have been diligent and have done what is expected of a named plaintiff and a
3 proposed class representative to date and will continue to do so. I have and always will maintain
4 the best interests of the class members.

5
6 13. My attorneys explained to me that the settlement process involves a two-step review by
7 the Court to determine whether the settlement is fair before approving the settlement. I know
8 this process also involves notifying all class members of the settlement terms and of their rights
9 to make a claim for their settlement share, to opt out of the settlement or to object to the
10 settlement.

11
12 14. I believe I did the right thing by filing this case on behalf of the class members who,
13 subject to court approval, are in line to receive monetary payments as a result of this case and
14 settlement. This is money they may never have ever gotten if I did not pursue this action on their
15 behalf. I feel significant personal satisfaction to know that I played a role in the class members
16 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
17 the requested Class Representative Service Payment of \$20,000 from the settlement is fair
18 compensation for the work I performed and the risks I undertook.

19
20 15. As part of the settlement it was necessary for me to sign a general release of all claims I
21 may have against Centro. I believe the Class Representative Service Payment I have requested
22 provides me with some compensation for this agreed release.

23
24 16. In light of all the time and effort I have spent on this case, including providing
25 deposition testimony; the risk I undertook by suing my employer; the exposure to being
26 responsible for paying Defendant's costs in the event we did not win the case; the reputational
27 risk that future employers may hold this lawsuit against me; the general release and in light of

1 the size of the settlement, I believe the request for \$20,000 as a Class Representative service
2 payment is fair and reasonable.

3
4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Executed on Sep 11, 2024, at San Diego, CA.
7 (city, state)

8 
9 Jacqueline Hernandez (Sep 11, 2024 14:43 PDT)
10 Jacqueline Hernandez