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10 Attorneys for Plaintiff IRMA TAPIA

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF SANTA CRUZ**

13 **(UNLIMITED JURISDICTION)**

14 IRMA TAPIA,

15 *Plaintiff,*

16 vs.

17 POSADA ASSOCIATES; LA POSADA;
18 KALCO PROPERTIES INC.; and DOES 1
19 to 25, inclusive,

20 *Defendants.*

Case No.: 23CV00355

**DECLARATION OF IRMA TAPIA IN
SUPPORT OF PLAINTIFF'S MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

Action filed: February 10, 2023

Hearing Date: July 22, 2024

Hearing Time: 8:30 a.m.

Hearing Dept: 5, Hon. Syda K. Cogliati

DECLARATION OF IRMA TAPIA IN SUPPORT OF
PAGA SETTLEMENT AND RELEASE

I, IRMA TAPIA, declare and state as follows:

1. I am a resident of the State of California and am over 18 years of age. I am the named Plaintiff in this action and am represented by Harout Messrelian of Messrelian Law, Inc. in this action. Except as otherwise stated, I have personal knowledge of all matters set forth in this declaration and could and would competently testify thereto if called upon to do so as a witness.

2. I first started working for Defendants in or around November of 2018 in the housekeeping department. My employment with Defendants ended on or around December 27, 2022.

3. I understand that this lawsuit is a Private Attorney General action, otherwise known as a PAGA lawsuit. I understand that I am the Plaintiff and that Posada Associates, La Posada, and Kalco Properties Inc. (collectively "POSADA") are the Defendants. I understand that my name is on the cover of the lawsuit. I understand that I am the representative of other POSADA employees. As the representative in this lawsuit, I have duties to the State of California and other employees like me who were not paid for all hours worked at the correct rates of pay, provided all required meal and rest periods, and reimbursed for necessary business expenses, such as uniforms and personal mobile phones. I also understand that my lawsuit is on behalf of the State of California. I have fairly represented the other employees and the State throughout this lawsuit. I don't have any disagreements with the other POSADA employees I represent. I am not aware of any reason why I can't make the best decisions for them in this lawsuit.

4. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would be the representative of the other employees and the State of California. I agreed that the interests of the other employees and the State in the lawsuit are as important as my personal interests in suing POSADA. I agreed that I would do what is in the best interest of the other employees and the State when deciding whether or not to settle this lawsuit. I also agreed to actively participate in the lawsuit. I also understand that there will only be a settlement of the lawsuit if the Court allows it.

5. The PAGA statute does not forbid service awards. Courts frequently award them

1 in PAGA-only cases as well. The work I have done on this case includes hiring my attorneys,
2 speaking with my attorneys on many occasions by phone, explaining what my employment at
3 POSADA was like, explaining what my employment at POSADA had in common with other
4 employees who worked for POSADA, explaining my claims to my attorneys, and
5 communicating with my attorneys about the settlement agreement and related documents.
6 Despite this, I am **not** asking for a service award for my involvement and the time I spent
7 assisting my counsel with the PAGA action.

8 6. I negotiated an individual settlement of my individual wage and hour, sexual
9 harassment, retaliation, and wrongful constructive discharge claims after the Parties had
10 agreed to the Settlement of the PAGA action.

11 7. As part of my individual settlement, I signed a general release of all claims,
12 whether known or unknown, that I may have against Defendants, not just PAGA claims.

13 8. I don't believe that my individual settlement has any bearing on whether I have
14 served the Aggrieved Employees' best interests and will continue to do so. Nevertheless, I am
15 willing to provide it to the Court *in camera* if the Court so requests.

16 I declare under the penalty of perjury of the laws of the State of California that the
17 foregoing is true and correct to the best of my knowledge.

18 Executed on June 10, 2024 at Santa Cruz, California.

19 
20 Irma Tapia (Jun 10, 2024 13:55 PDT)

21 IRMA TAPIA,
22 Declarant
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