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5 Attorneys for Plaintiff JESSE DOWNARD
6 individually and on behalf of similarly situated employees

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8 **SUPERIOR COURT OF CALIFORNIA**
9
10 **FOR THE COUNTY OF PLACER**

11 JESSE DOWNARD, individually and on
12 behalf of all other similarly situated
13 employees,

14 Plaintiff,

15 vs.

16 SIERRA MENTAL WELLNESS GROUP, a
17 California Corporation; and DOES 1 to 100,
inclusive,

18 Defendants.
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Case No. S-CV-0049587

CLASS ACTION

**DECLARATION OF JESSE DOWNARD IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: January 16, 2024

Time: 8:30 a.m.

Dept.: 42

Judge: Hon. Trisha Hirashima

Filed: December 19, 2022

FAC Filed: March 27, 2023

Trial Date: None Set

1 I, Jesse Downard, declare:

2 1. I am a competent adult, I have personal knowledge of the facts set forth in this
3 declaration, and I am making this declaration on behalf of myself, as a named plaintiff, and in support
4 of Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement.

5 2. I worked for Defendant Sierra Mental Wellness Group ("Defendant") from
6 approximately December 12, 2020, to September 9, 2022, as a non-exempt employee. I was subject to
7 all of Defendant's policies and practices that have been alleged as unlawful in the Complaint and the
8 notice sent to the Labor and Workforce Development Agency, including the following: failure to pay
9 overtime, failure to pay minimum wages, failure to provide accurate wage statements, failure to timely
10 pay final wages, failure to provide meal and rest periods or pay premiums in lieu thereof, and failure to
11 reimburse expenses.

12 3. I have actively participated in the litigation of this case for the benefit of all Class
13 Members. Prior to obtaining an attorney, I performed several hours of research trying to find a quality
14 attorney to handle the claims. I also performed several hours of research on the potential claims, so I
15 could be sure I could have an informed discussion with the attorneys about the claims and have a better
16 idea of what to expect in litigation and how to help the case proceed. After securing Shimoda &
17 Rodriguez Law, PC, I continued to be actively involved in the case to help ensure a positive outcome.

18 4. My attorneys explained to me the risks and benefits of bringing a class action and a
19 claim under the Private Attorneys General Act ("PAGA"). I understood that pursuing the case as a
20 class and PAGA action meant that it would take substantially longer than pursuing my claims
21 individually, whether in Court or with the California Labor Commissioner, and that I risked getting
22 nothing in the end, but I believed it was important to make sure that Defendant followed the law for
23 everyone. I understood that I took on the risk, both professionally and financially, in pursuing the case
24 as a class and PAGA action rather than pursuing my claims individually, including the risk of having to
25 pay Defendant's costs if we were unsuccessful in bringing our claims.

26 5. During the course of this litigation, I have given detailed accounts of all the facts related
27 to my employment. I provided my attorneys with extensive documentation that I believe supported the
28 claims brought against Defendant. I met with and assisted my attorneys in understanding these

1 documents and providing context for Defendant's payroll process as it applied to me and how I believed
2 it applied to Defendant's other employees. I worked there for over one (1) year and nine (9) months, so
3 I was able to discuss the similarities of the wage and hour policies and practices among all Class
4 Members.

5 6. The work I performed for this case included an extensive review of documents and
6 payroll practices to show and explain to my attorneys what was happening and why I thought it was
7 unlawful. For example, one of the allegations we made was that Defendant failed to incorporate the
8 value of on-call earnings when calculating the regular rate of pay for premium purposes such as
9 overtime, double time, sick leave, and meal and rest period premiums. I spent time explaining the “on
10 call” shifts, and the practices and policies that Defendant maintained and walked through numerous
11 examples and comparison of time records and corresponding paystubs, covering the same period to
12 reconstruct the pay practices at issue in this case. This became more intense and involved as we had to
13 address the arguments and factual assertions that Defendant and its counsel were making in response to
14 our allegations. I believe the review helped show where there was (or was not) consistency between
15 Defendant’s stated policies, practices, and our claims. This was very important as it helped not only the
16 claims of failure to pay overtime, failure to pay minimum wages, and failure to reimburse expenses
17 claims, but also claims related to meal and rest breaks, waiting time penalties, failure to provide
18 accurate wage statements, and derivative PAGA claims. The review became even more detailed when
19 my attorneys asked me questions about the payroll data sample that was produced as part of informal
20 discovery to engage in mediation. I also spent a substantial amount of time identifying and speaking to
21 potential witnesses who could speak to my attorneys to give their own insights and provide
22 declarations. Since the settlement, I have also fielded questions by Class Members about this case and
23 helped to direct them to my attorneys and/or explained to them the status of the case and settlement
24 terms. Overall, I have spent an enormous amount of time assisting in the prosecution of this case.

25 7. I participated in the negotiations and settlement discussions in this case, including
26 participating in mediation by phone, speaking with my attorneys to answer questions, provide any
27 additional information needed to assist the negotiations, and discussing the potential terms of the
28 Agreement to evaluate its adequacy. Throughout the course of this litigation I have asked questions

1 when I needed clarification about various aspects of this case to make sure there were continually steps
2 taken to advance the interests of Class Members.

3 8. Although I have already spent a substantial amount of time on this case and assisting my
4 attorneys, I expect the amount of time I spend on this case will increase if preliminary approval is
5 granted because Class Members will likely reach out to me about the Settlement and the process for
6 receiving payment.

7 9. I have not received any benefits as a result of filing this lawsuit. I have, however,
8 experienced substantial burdens as a result of filing the lawsuit that other Class Members were not
9 subject to. For example, in bringing the lawsuit, I assumed the risk of having to pay Defendant's costs
10 if the Court or jury rules against us on the claims. My understanding is that this is a substantial risk
11 because the costs associated with litigation, in general, are very high and this cost is multiplied many
12 times over in complex litigation like class actions. I have spent a substantial amount of time in this
13 case, securing a monetary benefit for many individuals who have not had to do anything whatsoever to
14 have the opportunity to receive it. I have been employed full-time and sometimes part-time during the
15 majority of the time this case has been pending. As a result, the time I have spent on this case has to
16 occur during my lunch and/or breaks times, after hours, and on my days off. This is particularly
17 challenging because I have three young children and I am a single dad. Rather than spend this time
18 with friends and family, I have spent this time for the benefit of Class Members. I have also
19 experienced a lot of stress and anxiety arising from this litigation for which I had to take medication
20 for. I also feel that I lost employment opportunities because of this lawsuit. Finally, as part of the
21 Settlement, I am the only individual providing a broader release of my individual claims than any other
22 Class Member. No other Class Member is subject to such a broad release.

23 10. I have reviewed the final Joint Stipulation of Class Action and PAGA Settlement and
24 Release, discussed the terms with my attorney, and asked my attorney any questions I had. I believe
25 the terms of the Settlement and allocations are fair and reasonable given the facts of the case.

26 11. I understand that any Class Representative Enhancement Payment I may receive is for
27 my participation as a Class Representative and it is not contingent on my support or approval of the
28 Agreement.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed on 10/26/2023 in Sacramento, California.

DocuSigned by:

Jesse Downard

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Jesse Downard