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ALTA NEWPORT HOSPITAL, LLC DBA FOOTHILL
7 REGIONAL MEDICAL CENTER

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ORANGE

10
11 CARLOS BARRAZA, an individual, on behalf
of himself and others similarly situated,

12 Plaintiff,

13 v.

14 ALTA NEWPORT HOSPITAL, LLC DBA
15 FOOTHILL REGIONAL MEDICAL
CENTER; and DOES 1 thru 50, inclusive,

16 Defendants.
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Case No. 30-2023-01304199-CU-OE-CXC

ASSIGNED FOR ALL PURPOSES TO:
HON. LAYNE H. MELZER; DEPT. CX102

**DECLARATION OF PETER HERING IN
SUPPORT OF SUPPLEMENTAL
BRIEFING IN SUPPORT OF MOTION FOR
APPROVAL OF REPRESENTATIVE
ACTION SETTLEMENT**

Date Action Filed: January 26, 2023
Trial Date: Not Set

DECLARATION OF PETER HERING

I, Peter Hering, declare as follows:

1. I am an attorney at the law firm of Rutan & Tucker, LLP, counsel of record for Defendant ALTA NEWPORT HOSPITAL, LLC DBA FOOTHILL REGIONAL MEDICAL CENTER (“**Defendant**”) in this action. I am a member in good standing of the State Bar of California. I make this Declaration in support of Plaintiff’s Supplemental Briefing In Support Of Motion For Approval Of Representative Action Settlement. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. In negotiating the Settlement, Defendant intended to cover all hourly employees, as that was the definition of Aggrieved Employees throughout the case. Defendant did not intend to cover just those employees who provide direct patient care or support direct patient care.

3. Nonetheless, in response to the Court’s tentative ruling on April 10, 2025 (the “**Tentative Ruling**”), I worked with our client to determine, which employees on the “**PAGA Employee**” list are healthcare employees who provide direct patient care or support direct patient care. Based on this review, only 31 of the 734 PAGA Employees do not provide patient care or support direct patient care.

4. The Parties specifically negotiated the absence of an escalator clause. Before finalizing the Settlement Agreement, I asked our client to pull all pay records for PAGA Employees during the PAGA Period and then asked our expert to determine the exact PAGA pay period count at issue so that there would be no unanticipated change in the pay period count. There are exactly 24,452 pay periods during the PAGA Period. The Parties chose the specific PAGA End Date, so that the number of pay periods would remain below 24,500.

5. There is one other PAGA action pending against Defendant entitled *Reginald Wolfe v. Alta Hospitals System, LLC, et al.*, Los Angeles County Superior Court Case No. 24SMCV01636 (“*Wolfe Action*”), which names Defendant as one of the defendants in the action. The *Wolfe Action* was filed on April 5, 2024, and Defendant was not added as named defendant until June 26, 2024, long after this case had been filed. Further, Defendant contends that it is an improper defendant in

1 that the *Wolfe* Action. To the extent Defendant has any liability in the *Wolfe* Action, such liability
2 is covered by the Settlement.

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

5 Executed on May 13, 2025, at Irvine, California.

A handwritten signature in black ink, appearing to read 'Peter Hering', is written over a horizontal line.

Peter Hering

(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On May 13, 2025, I served all interested parties in this action the following documents described as: **DECLARATION OF PETER HERING IN SUPPORT OF SUPPLEMENTAL BRIEFING IN SUPPORT OF MOTION FOR APPROVAL OF REPRESENTATIVE ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

RUTAN & TUCKER

Peter Hering

phering@rutan.com

Adrianna A. Rubino

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Vicky Huang

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[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.govfa.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 13, 2025, at Encino, California.



Kimberly Madrid