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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

YESENIA GUTIERREZ and KATHY CHAN,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

ENVIRONMENTAL SYSTEMS RESEARCH
INSTITUTE, INC., a California Corporation,

Defendant.

Case No. CIVSB2300014

**DECLARATION OF YESENIA
GUTIERREZ IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL**

Date: June 9, 2025
Time: 8:30 a.m.
Dept: S26
Judge: Christian Towns

I, Yesenia Gutierrez, declare as follows:

1. I am a named Plaintiff and putative Class Representative in this matter. I am over 18 years of age. I have personal knowledge of the following facts and could and would testify competently to them.

My Employment At Esri

2. I was employed by Esri in California as a UX Architect from approximately July 2020 until February 2021. Esri classified me as an exempt employee and paid me on an hourly basis (not salary). During my employment, I routinely worked overtime, but I never received overtime pay (i.e., 1.5 times my regular rate for more than 40 hours per week). Rather, Esri had a "Bank Time" policy that treated my overtime hours as "banked" hours, meaning that I had the option of getting paid for those hours to during a later pay period, or getting paid out for them now. Either way, my overtime hours were paid out at my regular hourly rate.

3. During my employment, I had to record at least 40 hours per week in Esri's timekeeping system. If I recorded less than 40 hours of work per week, Esri would deduct the missing hours from my sick leave, vacation time, or "banked" hours. According to the Bank Time policy, if I had a negative bank balance at the end of the year, I would need to discuss it with my supervisor.

4. Additionally, because I was classified as an "exempt" employee, I was not provided off-duty meal or rest breaks, and Esri did not pay me premium pay for missed breaks, even though I often worked through my breaks due to time pressure.

My Time and Efforts Devoted to this Case

5. I first spoke with my attorneys about this case in early October 2022. During our initial conversation, we discussed the details of my employment with Esri including its remote work requirements; my work schedule including how often I worked overtime and how Esri compensated me for that time pursuant to its "bank" policy. This initial call lasted approximately half an hour.

6. During that call, we also discussed the duties of a class representative. I understood that I would be required to put the interests of the Class Members before my own and to make decisions that are in the best interests of the Class. I was also aware that filing this lawsuit was reputationally risky for me. I work as a product manager for the State of California's Office of Data and Innovation and oversee a lot of high-profile initiatives that come directly from Governor Newsom. Having my name on a lawsuit of this size was a high stakes decision that was not easy to make. I decided to bring this lawsuit anyways because I wanted to help people who were having a

1 particularly difficult time during the COVID shutdown and be an advocate for my former Esri
2 colleagues. And, I wanted Esri to be an equitable employer who takes care of its employees who
3 need help.

4 7. Following that initial call, I spent about two hours searching through my emails and
5 records for relevant documents to send to my attorneys including emails, offer letter, compensation
6 policies, and W2s. I also signed a personnel file request that my attorneys sent to Esri.

7 8. In mid-October 2022, my attorneys sent me a draft complaint to review and approve
8 for filing. I spent about two hours carefully reviewing the Complaint, and compiling a list of
9 questions to discuss with my attorneys before approving the lawsuit.

10 9. In September 2024, my attorneys notified me that a full-day mediation was
11 scheduled with Esri for October 2024, and sent me a copy of a detailed mediation brief to review.
12 I spent about 1.5 to two hours reviewing the brief to make sure all of my claims asserted in the
13 Complaint were included. I then had three or four follow up phone calls with my attorneys to clarify
14 the facts and claims that were discussed in the brief.

15 10. Although I did not attend the mediation due to a scheduling conflict, I made sure to
16 stay available by phone throughout the day so that my attorneys could contact me if needed, as they
17 asked me to do.

18 11. Following the mediation, my attorneys explained to me that the case had not settled
19 at mediation, but that a mediator made a proposal that the parties could accept or reject. I discussed
20 the terms of the mediator's proposal with my attorneys, and decided to accept it on behalf of the
21 Class because I thought it was a very good result. Thereafter, my attorneys informed me that Esri
22 accepted the mediator's proposal as well, and that they and Esri's attorneys would draft a
23 Memorandum of Understanding to memorialize the basic terms of settlement. In or about
24 November 2025, my attorneys sent me the Memorandum of Understanding to review and sign.
25 After I reviewed the Memorandum of Understanding, I discussed it with my attorneys, and then
26 signed it.

27 12. In February 2025, my attorneys sent me the long-form Settlement Agreement to
28 review and sign. I also spent time going over the Settlement Agreement with my attorneys before
I signed it.

13. Altogether, I spent approximately four hours carefully reviewing and discussing
with my attorneys the Memorandum of Understanding and the Settlement Agreement, as well as
discussing the settlement process with my attorneys, including what my role would be once the

Settlement was filed, how the Class Notice process would work, and generally what the next steps in the approval process would be.

14. Although it is hard to be precise, given that it has been well over two years since I began communicating with my lawyers about this case, I estimate that I have spent at least 15 hours working on this case. This estimate is conservative because it is based only on the specific tasks identified above, and because it does not include additional time I will spend on this case before it is completed many months from now.

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 5/6/2025

Yesenia Gutierrez
YESENIA GUTIERREZ