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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

**ELDER CARE ALLIANCE AND
ALMAVIA WAGE AND HOUR CASES**

Included Actions:

MARITES BALLESTEROS v. ELDER CARE
ALLIANCE OF SAN FRANCISCO INC. dba
ALMAVIA OF SAN FRANCISCO, et al.
Superior Court of California, County of San
Francisco, Case No. CGC-21-588913

YESENIA ARIAS v. ELDER CARE
ALLIANCE, et al. Superior Court of
California, County of Alameda, Case No.
RG21090600

YESENIA ARIAS v. ELDER CARE
ALLIANCE, et al. Superior Court of
California, County of
Alameda, Case No. RG21102829

MARTA AGUILAR v. ELDER CARE
ALLIANCE OF SAN RAFAEL INC., et al.
Superior Court of California, County of
Alameda, Case No. RG21107053

MARIA TABUYO v. MERCY
RETIREMENT AND CARE CENTER AND
ELDER CARE ALLIANCE INC., et al.
Superior Court of California, County of
Alameda, Case No. 22CV022908

MARITES BALLESTEROS v. ELDER CARE
ALLIANCE OF SAN FRANCISCO INC. dba
ALMAVIA OF SAN FRANCISCO, et al.
Superior Court of California, County of
Alameda, Case No. 23CV046186

Case No.: RG21090600 (Lead Case)

RG21090600;
RG21102829;
RG21107053;
22CV022908;
23CV046186;
CGC-21-588913 (San Francisco);

CLASS & REPRESENTATIVE ACTION

**DECLARATION OF MARITES
BALLESTEROS IN SUPPORT OF THE
MOTION FOR FINAL APPROVAL**

Date: December 9, 2025
Time: 02:30 P.M.
Location: Department 21
Judge: Hon. Somnath Raj Chatterjee

Ballesteros SF Action filed: January 13, 2021
Arias Class Action filed: March 3, 2021
Arias PAGA Action filed: June 24, 2021
Augilar Action filed: July 29, 2021
Tabuyo Action filed: November 30, 2021
Ballesteros AM Action filed: October 2, 2023

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1. I am the Plaintiff in this action against Elder Care Alliance, Alma Via of San Francisco, Elder Care Alliance of San Francisco, Elder Care Alliance of San Rafael, and Mercy Retirement and Care Center (hereafter, “Defendants”).
2. Except for those matters stated on information and belief, of which I am informed and believe are true and correct, I have personal knowledge of all matters set forth herein. If called as a witness, I could and would competently testify thereto.
3. I understand that I brought this case as a class action and, as a result, assumed a fiduciary responsibility to prosecute the action on behalf of absent parties.
4. I understand that, as a proposed class representative and aggrieved employee in a PAGA action, I am responsible for trying the case, appearing in court, and working with class counsel, on behalf of absent class members. I also understand that as an aggrieved employee under PAGA I am bringing a claim on behalf of the State of California.
5. I am adequate to serve as a class representative and aggrieved employee in this lawsuit, as my claims are typical of those of the putative class and other purported aggrieved employees. I was employed by Defendants from approximately July 2017 to September 2020 and my duties included feeding patients, showering and toileting residents, giving residents oral hygiene, and fixing residents' beds.
6. Defendants operate a senior living facility in the State of California, including the County of San Francisco. I worked alongside other purported class members and was subjected to the same policies and practices as the other members of the putative class and aggrieved employees of Defendants. I worked for Defendants for three years and was able to observe these workplace violations. As such, I am an accurate and representative member of the class.
7. Throughout my employment, I personally experienced numerous workplace violations. Like other members of the putative class and aggrieved employees, I frequently missed breaks. I was never able to take a full thirty-minute lunch break because Defendants frequently asked me to check on residents. I was also never able to take a ten-minute break, even on days when I worked over eight

1 hours a day. Like other putative class members, I frequently worked overtime. However, I was not
2 compensated at an overtime rate for all my overtime hours. I was not properly compensated for using
3 my personal cell phone for work-related reasons.

4 8. The paystubs I received never accurately reflected the number of hours I worked.

5 9. I decided to commit to the effort of bringing a class action and PAGA representative
6 action so that all my co-workers could benefit from this case, and get damages owed to them by
7 Defendants, not just myself. I understood that putting my name on the case came with risks, including
8 future employers knowing that I had sued to protect my rights. I also understood the possibility that I
9 would invest my time in the case and not be successful.

10 10. I have fulfilled my duties to the putative class at this point by retaining experienced
11 counsel, providing information and documents, assisting them in identifying claims and evaluating the
12 case, and waiting an extended period for payment so that they could pursue a class-wide resolution.

13 11. I also gathered documents to assist Plaintiff's counsel, answered written discovery, was
14 available to be deposed, and participated in mediation with Plaintiff's and Defendant's counsel.

15 12. I have fulfilled my duties to the State of California and other aggrieved employees
16 by retaining experienced counsel, providing information and documents, assisting them in
17 identifying claims and evaluating the case, and waiting an extended period for payment so that they
18 could pursue a resolution for all aggrieved employees. If I had been called upon, I would have made
19 myself available for a deposition and/or to testify at trial.

20 13. I believe that the proposed class action and PAGA settlement is fair, reasonable, and
21 adequate to the State of California and the aggrieved employees. Although I believe we have strong
22 claims, I understand that continued litigation would involve significant risks, including the
23 possibility of recovering nothing. I also understand that appeals and further litigation could delay
24 any recovery for years.

25 14. In my judgment, the settlement provides meaningful relief. It ensures that the State
26 of California receives its statutory share of civil penalties, while also distributing monetary recovery
27 directly to aggrieved employees who experienced the violations. I believe this compromise
28

1 appropriately balances the risks and uncertainties of further litigation against the benefits of
2 providing immediate, certain relief to the class, affected workers, and the State.

3 15. I have reviewed the settlement with my counsel, discussed its terms, and understand
4 the allocation. Based on my personal knowledge of the workplace practices at issue and my
5 involvement in this case, I believe that the settlement represents a fair and adequate resolution in the
6 best interests of the State of California and the aggrieved employees.

7 16. I do not have any interests antagonistic to or in conflict with the class or other class
8 members.

9 17. As a representative of the putative class, I believe this settlement is a fair and
10 reasonable resolution to our claims.

11
12 I declare under the penalty of perjury of the laws of the State of California that the foregoing is
13 true and correct.

14
15 Executed on 11/12/2025 at San Francisco, California.

16
17 
18 MARITES BALLESTEROS

Title:
2025.11.12 Ballesteros Decl.pdf

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ACTION	RECIPIENT	TIME	IP
Completed	Marites Ballesteros (btess615844@yahoo.com)	2025-11-12 15:53:05 -06:00	73.202.50.69