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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

MANUEL BURGOS, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

DESTINY HOSPICE CARE, INC., a
California Corporation; and DOES 1
through 20, inclusive;

Defendants.

Case No.: CIVSB2308809
*[Assigned to Hon. Jessica Morgan, Dept S26, for
all purposes]*

**DECLARATION OF PLAINTIFF
MANUEL BURGOS IN SUPPORT OF
MOTION FOR FINAL APPROVAL**

I, Manuel Burgos, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto. I make this declaration in support of the motion for preliminary approval of the class action settlement. I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

2. During my employment with Destiny Hospice, I thought that were issues with my pay and other aspects of my employment. Because of these issues, I started researching California law and contacted attorneys regarding how I was treated.

1 3. I then contacted my attorneys and understood that I had two options: (1) I could
2 bring a class action to help all of the employees, but I would have to put their interests ahead of
3 my own, or (2) I could bring my individual case and claims and attempt to maximize my
4 individual recovery. This decision was very difficult because I wanted to maximize my
5 individual recovery, but I also wanted to help everyone else that was wronged by the company.
6 And, if I brought a class action, I was worried that I might get labeled as a whistleblower, which
7 might make it hard to find a job in the future. In the end, I decided that – despite the risks – it
8 was important to bring these claims as a class action to hold the company accountable for how
9 they treated their employees.

10 4. I respectfully request that the Court approve the agreed-upon service award for
11 the following reasons.

12 5. First, I have spent substantial time working on this case – at least 60 hours
13 engaged in activities to benefit the class. I have been an active participant in this litigation and
14 have assisted my attorneys in numerous ways, including helping to explain and discuss the
15 company’s practices and their general practices and procedures, locating and analyzing company
16 documents, and communicating with other class members. These efforts occurred through
17 numerous telephone conferences, letters, emails, and text communications. I also assisted in
18 preparation for mediation and helped obtain a positive result for the class.

19 6. Second, I respectfully request that the Court approve the agreed-upon service
20 award because I agreed to set aside my personal interests and to put the interests of the class
21 ahead of my own. In doing so, and by successfully bringing this case as a class action, I helped to
22 obtain a highly beneficial settlement for the class members.

23 7. Third, by bringing this case as a class action, I undertook significant risks and
24 stresses at a high emotional cost without any guarantee of success. For example, filing this
25 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly
26 worried about the risk that this case could impact my ability to find future jobs. And this
27 stress/risk lasted for the entire case, and I’m worried it may make it hard to find a job in the
28 future since the case information is all available online.

8. Fourth, bringing this case also came with a major financial risk because, if I lost the case, I would be required to pay the company's costs, which could be over \$10,000, and there was a chance they could try to make me pay their attorneys' fees as well.

9. Therefore, I respectfully request that the Court award the full requested service award since that amount is justified based on the facts above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Aug 28, 2024, at Moreno Valley, California.

By: 
Manuel Burgos (Aug 28, 2024 11:53 PDT)