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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF RIVERSIDE**

12 SANTOS MARTINEZ PADILLA, an individual,)
13 on behalf of himself and on behalf of all persons)
14 similarly situated,)

15 Plaintiffs,

16 vs.

17 SANNIPOLI CORPORATION, a)
18 corporation; MATTHEWS)
19 INTERNATIONAL CORPORATION, a)
20 corporation; THE YORK GROUP, INC.,)
21 a corporation; and DOES 1 through 50, inclusive,)

22 Defendants.

Case No. CVRI2303826

[Consolidated with Case Nos.
CVRI2304132; CVRI2304915; and
CVRI2306853]

[Assigned for all purposes to the Honorable
Harold Hopp, Dept. 1]

**DECLARATION OF SANTOS
MARTINEZ PADILLA IN SUPPORT
OF MOTION FOR FINAL APPROVAL
OF CLASS SETTLEMENT**

Hearing Date: January 15, 2025

Hearing Time: 8:30 a.m.

Judge: Hon. Harold Hopp

Dept: 1

Date Filed: July 26, 2023

Trial Date: Not set

1 I, Santos Martinez Padilla, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Final
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.

6 2. I have personal knowledge of all the facts stated herein. I could and would competently
7 testify under oath to these facts in court if requested to do so.

8 3. During the class period I have worked as a personal care attendant for the Defendants
9 Matthews International Corporation (“Matthews”), The York Group Inc., (“York”) and Sannipoli
10 Corporation (“Sannipoli”) (collectively “Defendants”) in California and during that time period I
11 have been classified by Defendants as a non-exempt employee.

12 4. I retained my attorneys who are experienced in both class action and PAGA
13 representative action litigation and claims against employers for violations of the California
14 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
15 Court. I am not aware of having any actual or potential conflicts of interest with another class
16 member in this case nor am I aware of having any actual or potential conflicts of interest with
17 Apex Class Action Administration, the settlement administrator. I am not aware of any other
18 pending matter or action asserting claims that will be extinguished or adversely affected by this
19 settlement.

20 5. I decided to pursue this class action lawsuit and be a plaintiff/class representative
21 because I felt that my legal rights as an employee and others like me were violated. For example,
22 Defendant utilized a rounding policy that resulted in a systemic underpayment of my wages
23 because it rounded my start and stop times. I also did not receive overtime wages paid at the
24 regular rate of pay because Defendant did not include non-discretionary bonuses I received in the
25 calculation of the regular rate of pay for overtime. I often did not receive compliant meal and rest
26 breaks which were late, interrupted or missed entirely. Further, Defendant did not permit me to

1 take off-duty rest breaks because Defendant required that I remain on the facility premises during
2 my rest breaks. I also did not receive all the meal and rest break premiums I was entitled to and,
3 when I did receive premium payments, they were often an incorrect amount.

4 6. I spoke to my attorneys several times and discussed how Defendants implemented their
5 company policies and procedures. I also assisted my attorneys in their investigation into my
6 claims by providing them documents and answering their questions. I reviewed the complaint
7 before it was filed and, after it was filed, I was given access to an electronic file sharing program
8 that alerted me via email when important documents were filed so that I could review them and
9 keep up with the developments in the case which I understood was one of my duties as a class
10 representative. I would also contact my attorneys from time to time if I had any questions about
11 the case.

12 7. Even though this action is in the process of settling, I was and remain prepared to
13 perform all the duties of a class representative. I understand that as a class representative I have
14 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
15 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
16 benefit of the class members and surrender any right to compromise the group action for an
17 individual gain.

18 8. I understood that being a plaintiff/class representative in this case meant that I was
19 seeking damages not only for myself but also other current and/or former non-exempt employees
20 working for Defendants in California who make up the class. I felt that these individuals were
21 not aware of their labor law rights and even if they were they would probably be apprehensive
22 about speaking up or even simply because of the time, effort and risk involved in filing a class
23 action lawsuit.

24 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
25 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
26 or part of the attorney fees and costs paid by Defendants to defend this lawsuit. Also, I knew

1 there was a risk that future employers, if they ever find out about this lawsuit, could hold it
2 against me or downgrade me as a potential hire. As one of only two named Plaintiffs in this
3 case, it would not be difficult for a future employer to become aware that I sued my employer for
4 labor law violations. Ultimately I decided these risks were worth it and decided to fight for my
5 rights and the rights of others regardless of the risks, time and effort I spent on this case.

6 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
7 to date on important developments by reviewing court filings that were made available to me
8 electronically as I described above.

9 11. A mediation took place on January 5, 2024 with Louis Marlin, Esq., a well-respected and
10 experienced mediator of wage and hour class actions. During the mediation, the parties were
11 able to reach an agreement to settle the action. I communicated with my attorneys regarding the
12 terms of the settlement which was reached between the parties and understood that I was
13 representing absent class members and therefore wanted the best possible result to be obtained
14 for the class members and I believe a very positive result was in fact achieved via settlement. I
15 reviewed and signed the Memorandum of Understanding on January 21, 2024, and when the
16 final settlement papers were ready, I closely reviewed the Settlement Agreement which I signed
17 on July 24, 2024.

18 12. I have been actively involved with this lawsuit performing the duties described above.
19 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
20 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
21 the settlement process. I estimate that I spent approximately 30-40 hours working on this case
22 up until this point. I believe I have been diligent and have done what is expected of a named
23 plaintiff and a proposed class representative to date, and will continue to do so. I have and
24 always will maintain the best interest of the class members.

25 13. My attorneys explained to me that the settlement process involves a two-step review by
26 the Court to determine whether the settlement is fair before approving the settlement. I know
27

1 this process also involves notifying all class members of the settlement terms and of their rights
2 to make a claim for their settlement share, to opt out of the settlement or to object to the
3 settlement.

4 14. I believe I did the right thing by filing this case on behalf of the class members who,
5 subject to court approval, are in line to receive monetary payments as a result of this case and
6 settlement. This is money they may never have ever gotten if I did not pursue this action on their
7 behalf. I feel significant personal satisfaction to know that I played a role in the class members
8 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
9 the requested Class Representative Service Payment of \$10,000 from the settlement is fair
10 compensation for the work I performed and the risks I undertook.

11 15. As part of the settlement it was necessary for me to sign a general release of all claims I
12 may have against Defendants. I believe the Class Representative Service Payment I have
13 requested provides me with some compensation for this agreed release.

14 16. In light of all the time and effort I have spent on this case, the risk I undertook by suing
15 my employer, the exposure to being responsible for paying Defendants' costs in the event we did
16 not win the case, the reputational risk that future employers may hold this lawsuit against me, the
17 general release and in light of the size of the settlement, I believe the request for \$10,000 as a
18 Class Representative service payment is fair and reasonable.

19 ///

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

3 Executed on Jul 24, 2024, at Ca.
4 (city, state)

5
6 
[Santos Martinez padilla \(Jul 24, 2024 16:19 PDT\)](#)
Santos Martinez Padilla