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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

11 LILIANA GODINA, LISA HOWELL, and
12 BERT MERCADO, individually, and on
13 behalf of all persons similarly situated;

14 Plaintiffs,

15 vs.

16 KAISER FOUNDATION HOSPITALS, a
17 California non-profit corporation, and DOES 1
18 through 50, inclusive,
19 Defendants.

Case No.: **23STCV25366**

**DECLARATION OF LISA HOWELL IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date:

Hearing Time:

Judge:

Dept.:

Date Action Filed:

Trial Date: Not set

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DECLARATION OF LISA HOWELL

1 I, Lisa Howell, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Preliminary Approval of
4 Class Settlement and in support of my application for a class representative service payment.

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

7 3. I have worked for the defendant Kaiser Foundation Hospitals ("Kaiser") in California from
8 February 25, 2022 to the present, and during that time period I have been classified by Kaiser as a
9 non-exempt employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case. I am
14 not aware of any other pending matter or action asserting claims that will be extinguished or
15 adversely affected by this settlement.

16 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I
17 felt that my legal rights as an employee and others like me were violated. For example, I was
18 forced to work off the clock, as I was instructed to don and doff my scrubs before clocking in for
19 the day. I did not always receive compliant meal and rest breaks which were often late, and I was
20 instructed to take my meal breaks after my 5th hour of working. Further, I was not reimbursed for
21 the use of my personal cell phone and personal computer which were essential tools necessary to
22 perform my job duties.

23 6. I spoke to my attorneys several times and discussed how Kaiser implemented its company
24 policies and procedures. I also assisted my attorneys in their investigation into my claims by
25 providing them documents and answering their questions. I reviewed the complaint before it was
26 filed and was given access to an electronic file sharing program that alerted me via email when
27 important documents were filed so that I could review them and keep up with the developments in
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DECLARATION OF LISA HOWELL

1 the case which I understood was one of my duties as a class representative. I could also access
2 court filings from this case on my attorney's law firm website. Also, I was informed that Kaiser
3 had the right to take my deposition, and that the preparation and deposition itself could take
4 multiple days. Although my deposition was not taken, I feel I would have been adequately
5 prepared and comfortable to give testimony on my experiences.

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

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

16 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
17 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
18 or part of the attorney fees and costs paid by Kaiser to defend this lawsuit. Also, I knew there was
19 a risk that future employers, if they ever find out about this lawsuit, could hold it against me or
20 downgrade me as a potential hire. As a named Plaintiff in this case it would not be difficult for a
21 future employer to become aware that I sued a former employer for labor law violations.
22 Ultimately, I decided these risks were worth it and decided to fight for my rights and the rights of
23 others regardless of the risks, time and effort I spent on this case.

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

27 11. A mediation took place on August 12, 2024, with David Rotman, a well-respected and
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1 experienced mediator of wage and hour class actions. After the mediation the parties were able to
2 come to an agreement to settle the action. I communicated with my attorneys regarding the terms
3 of the settlement which was reached between the parties and understood that I was representing
4 absent class members and therefore wanted the best possible result to be obtained for the class
5 members and I believe a very positive result was in fact achieved via settlement. I reviewed and
6 signed the Memorandum of Understanding on August 15, 2024. When the final settlement
7 agreement was ready, I reviewed it closely and signed it.

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

15 13. My attorneys explained to me that the settlement process involves a two-step review by
16 the Court to determine whether the settlement is fair before approving the settlement. I know this
17 process also involves notifying all class members of the settlement terms and of their rights to
18 make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

19 14. I believe I did the right thing by filing this case on behalf of the class members who,
20 subject to court approval, are in line to receive monetary payments as a result of this case and
21 settlement. This is money they may never have ever gotten if I did not pursue this action on their
22 behalf. I feel significant personal satisfaction to know that I played a role in the class members
23 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
24 requested class representative service award of \$10,000 from the settlement is fair compensation
25 for the work I performed and the risks I undertook.

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15. As part of the settlement, it was necessary for me to sign a general release of claims I may have against Kaiser. I believe the class representative service payment I have requested provides me with some compensation for this agreed release.

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

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

Executed on 01/06/2025, at Los Angeles.
(date) (city, state)


lisa howell (Jan 6, 2025 11:23 PST)

Lisa Howell

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