

John G. Yslas (SBN 187324)
john.yslas@wilshirelawfirm.com
Jeffrey C. Bills (SBN 301629)
jeffrey.bills@wilshirelawfirm.com
Lisa B. Iturriaga (SBN 339678)
lisa.iturriaga@wilshirelawfirm.com
WILSHIRE LAW FIRM, PLC
660 S. Figueroa Street, Sky Lobby
Los Angeles, California 90017
Telephone: (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MADERA**

KELLY SCHARTON and CHRISTA HORN,
individually, and on behalf of all others similarly
situated, and on behalf of the State of California
and other aggrieved persons,

Plaintiffs,

v.

OAKHURST NURSING AND REHAB
CENTER, LLC, a California limited liability
company; and DOES 1 through 10, inclusive,

Defendants.

Case No.: MCV090222

*Assigned for All Purposes to:
Hon. Michael Jurkovich
Dept. 411B*

**DECLARATION OF KELLY
SCHARTON IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

PRELIMINARY APPROVAL HEARING:

Date: March 16, 2026
Time: 8:30 a.m.
Dept.: 411B

I, Kelly Scharton, hereby declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness. I submit this declaration in support of my Motion for Preliminary Approval of Class Action and PAGA Settlement.

2. I worked for Defendant Oakhurst Nursing and Rehab Center, LLC (“Defendant”) as an hourly-paid, non-exempt supervisor from around September 2020 to January 2023.

3. Based on my experience and knowledge of Defendant’s wage and hour policies and my familiarity with its employment practices, I worked with my attorneys to bring claims on my own behalf as well as on behalf of other hourly-paid, non-exempt employees of Defendant.

4. I am seeking to become a class representative in this case. I believe my experiences are similar to other hourly-paid, non-exempt employees of Defendant. I believe we were all subject to the same employment policies and practices.

5. I do not have any conflicts with other hourly-paid, non-exempt employees that would interfere with my ability to represent them. I believe I will adequately represent the hourly-paid, non-exempt employees of Defendant.

6. My interests as a named plaintiff in this case are not adverse to the interests of the other hourly-paid, non-exempt employees. I believe my interests are the same as the other employees because we were all subject to the same policies and practices and were similarly injured by Defendant’s company-wide policies and practices. I am seeking the same recovery on behalf of myself and the other employees, which is to collect unpaid wages, penalties, and interest that are owed to us by Defendant.

Risks, Both Financial and Otherwise, Faced in Bringing the Suit

7. Further, when I decided to become involved in this lawsuit as a class representative on behalf of other employees of Defendant and as a private attorney general for the State of California, I understood that I was not only seeking unpaid wages and penalties on behalf of myself, but also for other employees who worked for Defendant, and that by doing so, I would be delaying more immediate recovery available to me through the Labor Commissioner’s office.

1 8. I was also made aware that being a class representative and private attorney general
2 in an action filed on behalf of others would subject me to a stigma that is sometimes associated with
3 those who bring these kinds of lawsuits. I was aware that, as a class representative and private
4 attorney general, I might be responsible for some or all of Defendant's legal costs if the case was not
5 successfully concluded. Even with knowledge of these risks, I was willing to go forward and to act
6 on behalf of the other employees and the State of California, but I was nervous about losing and
7 having a judgment filed against me for costs or losing job opportunities in the future.

8 9. I understood that there were risks involved in class and representative action lawsuits.
9 I understood that the lawsuit could continue for several years and require my services and attention
10 throughout the entire length of the lawsuit. I learned that even if we won at trial, the case could be
11 further delayed by appeals.

12 **Notoriety and Personal Difficulties Encountered**

13 10. As the named plaintiff, I am the face of the litigation. As of the date of this declaration,
14 the class notice will be mailed in this case to approximately 251 current and former employees of
15 Defendant, which will inform them that I filed a class and representative action against Defendant.
16 Exposing myself to this kind of publicity creates a risk for my future career prospects, since current
17 and former employees of Defendant may move to different companies within the industry or may
18 know people at other companies within the industry who may not wish to hire someone who sued
19 her employer. I also understand that having filed this lawsuit in court means that there is now a
20 permanent public record of this lawsuit available to the general public. Given this additional
21 exposure, there is further risk to my future career prospects.

22 **Amount of Time and Effort Spent and Duration of the Litigation**

23 11. I have always kept the best interests of the other hourly-paid, non-exempt employees
24 in mind while performing my duties as the named plaintiff in this case. I have been committed
25 throughout the course of this case to vigorously prosecuting this case on behalf of myself and the
26 other employees. I believe that I have demonstrated my ability to advocate for the interests of the
27 other hourly-paid, non-exempt employees by initiating this lawsuit and have spent a substantial
28 amount of time and effort on this litigation. My work on this case has specifically included, among

1 other things, searching/gathering and providing my payroll records and other documents and
2 information to my attorneys, discussing potential witnesses, keeping in regular contact with my
3 attorneys regarding the status of the case, assisting my attorneys prepare for mediation (i.e.,
4 reviewing discovery information and data (if needed), discussing my claims and experience), being
5 on-call for my attorneys on the date of mediation in case questions or concerns arose during
6 mediation, and participating in settlement discussions. After mediation, I remained actively involved
7 by reviewing the settlement papers and contacting my counsel for updates. I estimate that since I
8 retained my counsel in May 2023, I have spent approximately 40-45 hours on the activities described
9 above. And I estimate that I will spend an additional 1-5 hours assisting my attorneys through the
10 approval process and staying up to date with the case through disbursement of the settlement checks.

11 **Personal Benefit Received as a Result of the Litigation**

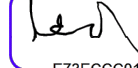
12 12. Absent the requested service payment, the personal benefit I will receive is the same
13 as all other employees. But unlike the other employees, who are only releasing the wage and hour
14 claims asserted in the lawsuit, I have signed a general release of claims as to Defendant.

15 13. I will continue to actively participate in this lawsuit as necessary, and will continue
16 to make myself available to assist in this case moving forward as needed.

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

19 Executed on 2/23/2026, at Fresno, California.

20 Signed by:

21 

22 E73EGGG018BF447...

23 Kelly Scharton