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Attorneys for PLAINTIFF

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

BRANDON MARTIN, an individual on behalf
of himself, and on behalf of all persons
similarly situated,

Plaintiff,

vs.

SAN ANTONIO POST ACUTE LLC, a
California limited liability company; and
DOES 1-50, Inclusive,

Defendants.

Case No.: CIVSB2317704

**DECLARATION OF PLAINTIFF
BRANDON MARTIN IN SUPPORT OF
PLAINTIFF'S MOTION TO APPROVE
PAGA SETTLEMENT**

Date: October 28, 2024
Time: 8:30 a.m.

Judge: Hon. Jeffrey R. Erickson
Dept.: S14

1 1. I am a party to this action and reside in the State of California. I am fully competent
2 to make this declaration. I have personal knowledge of the facts set forth herein, except for those
3 stated on information and belief, and as to those I am informed and believe them to be true. If called
4 upon to testify, I could and would testify as set forth herein.

5 2. I make this Declaration in support of Plaintiff's Motion to Approve PAGA
6 Settlement.

7 3. I was employed by defendant San Antonio Post Acute, LLC. ("Defendant"), as a
8 non-exempt, hourly-paid employee within California from approximately June of 2022 through
9 approximately May of 2023.

10 4. Throughout my employment with Defendant, I am informed and believe that myself
11 and other non-exempt, hourly-paid employees of Defendant were not offered compliant meal
12 periods, were not paid the correct regular rate of pay during pay period in which we received
13 additional non-discretionary compensation, were not paid for all hours worked, and were not
14 reimbursed for all necessary business expenses,

15 5. During my employment with Defendant, I often took meal periods that were after the
16 fifth hour, short, or not duty-free. I witnessed other non-exempt, hourly-paid employees with my
17 job duties often taking meal periods that were after the fifth hour, short, or not duty-free, as well.

18 6. Before and during the course of litigation, I was actively involved in assisting my
19 attorneys to support the wage and hour claims asserted. My involvement began before the initial
20 complaint was filed wherein, I provided first-hand knowledge and documentation as to Defendant's
21 practices, its ownership and corporate structure, and their wage and hour policies and practices.

22 7. Part of the information I relayed was with regard to Defendant's timekeeping policies
23 and practices, and their meal period policies and practices.

24 8. I provided my attorneys with all the documentation provided to me by Defendant
25 during my employment.

26 9. I assisted in reviewing time and payroll records with my attorneys and informed them
27 of Defendant's employment policies and whether those policies matched Defendant's practices.

28 10. My attorneys called me to ask me questions over several times throughout the

1 litigation and I contacted my attorneys several times to stay updated on the case and offer my
2 assistance on any matters I could be helpful with. I was also available for mediation by telephone,
3 during which I was available to be called to answer the questions posed by the mediator regarding
4 the asserted claims, as well as arguments raised by Defendant. In addition, I worked with my
5 attorneys over the next several months after mediation to understand and execute a long form
6 settlement agreement.

7 11. Over the past few months since the mediation has been resolved, I have stayed in
8 touch with my attorneys to ensure that there was no undue delay in payment for other aggrieved
9 employees for whom I brought this Action.

10 12. I believe that, through the present, I have spent at least 20 hours in connection with
11 this matter, which included time spent having preliminary calls with my attorneys; doing an intake
12 with my attorneys; time spent searching for documents relating to my employment; time spent
13 reading and understanding the Settlement Agreement; time spent answering calls to discuss
14 Defendant's timekeeping, pay, meal and rest periods, and to review time and payroll records; time
15 spent discussing with my attorneys on Defendant's policies and practices; time spent on-call at
16 mediation; and time spent checking in on the status of the case, among other things. I also spent
17 time preparing this declaration to support Plaintiff's Motion for Approval of PAGA Settlement.

18 16. I feel that by bringing this lawsuit, I could stand up for not only my rights but the
19 rights of other employees who suffered from the same unfair wage practices. I felt that current
20 employees might not want to share their experiences with Defendant since they feared losing their
21 jobs. This is certainly understandable as I, too, have to provide for myself and others.

22 17. By bringing this lawsuit, I have put the interests of the aggrieved employees ahead
23 of my own.

24 18. I understood that I could possibly earn a small enhancement if this case is resolved
25 favorably. I also knew that I could face retaliation from Defendant and backlash from former
26 coworkers who are loyal to Defendant.

27 20. My goal in bringing this lawsuit was to obtain a recovery on behalf of the aggrieved
28 employees and, even more importantly, to put an end to what I believe are illegal practices on the

1 part of Defendant. I believe I have achieved both through this lawsuit and settlement.

2 21. I understand the obligations of adequately representing the non-exempt, hourly paid
3 employees of the Defendant.

4 22. I understand the substantial burden I will have to undertake in order to represent the
5 non-exempt, hourly paid employees of the Defendant.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct this 7th day of August 2024, at Upland (city), California.

8 Brandon Martin

9 Brandon Martin (Aug 7, 2024 14:58 PDT)

BRANDON MARTIN