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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

DEVAN WATSON and SADATE PHILEMON,
individuals, on behalf of themselves and on behalf
of all persons similarly situated,

Plaintiffs,

vs.

SAN DIEGO DIALYSIS SERVICES, INC., a
Corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 37-2024-00002851-CU-OE-CTL

**DECLARATION OF SADATE
PHILEMON IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: June 27, 2025

Hearing Time: 10:15 a.m.

Judge: Hon. Wendy M. Behan

Dept.: 66

Date Action Filed: January 22, 2024

Trial Date: Not set

1 I, Sadate Philemon, 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 Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

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

9 3. During the class period I worked as a Dialysis Nurse for the Defendant San Diego
10 Dialysis Services, Inc. ("San Diego Dialysis" or "Defendant") in California and during that time
11 period I was classified by San Diego Dialysis as a non-exempt employee.
12

13 4. I retained my attorneys who are experienced in both class action and PAGA
14 representative action litigation and claims against employers for violations of the California
15 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
16 Court. I am not aware of having any actual or potential conflicts of interest with another class
17 member in this case nor am I aware of having any actual or potential conflicts of interest with
18 ILYM Group, Inc., the settlement administrator. I am not aware of any other pending matter or
19 action asserting claims that will be extinguished or adversely affected by this settlement.
20

21 5. I decided to pursue this class action lawsuit and be a plaintiff/class representative
22 because I felt that my legal rights as an employee and others like me were violated. For example,
23 I often did not receive compliant meal and rest breaks which were late, interrupted or missed
24 entirely. I also did not receive all the meal and rest break premiums I was entitled to and when I
25 did receive premium payments they were often an incorrect amount. As to rest breaks in
26 particular, San Diego Dialysis had a policy that did not permit me to leave the premises during
27

1 my rest break. Additionally, I was required to use my personal cellular phone for company
2 business without reimbursement by San Diego Dialysis. I was also required to work off the clock
3 at times, after hours for example, but I was not paid any wages for this time I worked for the
4 company.

5
6 6. I spoke to my attorneys several times and discussed how San Diego Dialysis
7 implemented its company policies and procedures. I also assisted my attorneys in their
8 investigation into my claims by providing them documents and answering their questions. I
9 reviewed the amended complaint before it was filed. I was also given access to an electronic file
10 sharing program that alerted me via email when important documents were filed so that I could
11 review them and keep up with the developments in the case which I understood was one of my
12 duties as a class representative. I would also contact my attorneys from time to time if I had any
13 questions about the case.
14

15 7. Even though this action is in the process of settling, I was and remain prepared to
16 perform all the duties of a class representative. I understand that as a class representative I have
17 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
18 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
19 benefit of the class members and surrender any right to compromise the group action for an
20 individual gain.
21

22 8. I understood that being a plaintiff/class representative in this case meant that I was
23 seeking damages not only for myself but also other current and/or former non-exempt employees
24 working for San Diego Dialysis in California who make up the class. I felt that these individuals
25 were not aware of their labor law rights and even if they were they would probably be
26 apprehensive about speaking up or even simply because of the time, effort and risk involved in
27

1 filing a class action lawsuit.

2 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
3 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
4 or part of the attorney fees and costs paid by San Diego Dialysis to defend this lawsuit. Also, I
5 knew there was a risk that future employers, if they ever find out about this lawsuit, could hold it
6 against me or downgrade me as a potential hire. As one of only two named Plaintiffs in this case
7 it would not be difficult for a future employer to become aware that I sued my employer for labor
8 law violations. Ultimately, I decided these risks were worth it and decided to fight for my rights
9 and the rights of others regardless of the risks, time and effort I spent on this case.
10

11 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
12 to date on important developments by reviewing court filings that were made available to me
13 electronically as I described above.
14

15 11. A mediation took place on December 10, 2024 with David Rotman, a well-respected and
16 experienced mediator of wage and hour class actions. After the mediation the parties were able
17 to reach an agreement to settle the action. I communicated with my attorneys regarding the terms
18 of the settlement which was reached between the parties and understood that I was representing
19 absent class members and therefore wanted the best possible result to be obtained for the class
20 members and I believe a very positive result was in fact achieved via settlement. I reviewed and
21 signed the Memorandum of Understanding on December 31, 2024 and when the final settlement
22 papers were ready, I closely reviewed the Settlement Agreement which I signed on April 24,
23 2025.
24

25 12. I have been actively involved with this lawsuit performing the duties described above.
26 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
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1 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
2 the settlement process. I estimate that I spent approximately 20-30 hours working on this case
3 up until this point. I believe I have been diligent and have done what is expected of a named
4 plaintiff and a proposed class representative to date and will continue to do so. I have and always
5 will maintain the best interests of the class members.
6

7 13. My attorneys explained to me that the settlement process involves a two-step review by
8 the Court to determine whether the settlement is fair before approving the settlement. I know
9 this process also involves notifying all class members of the settlement terms and of their rights
10 to make a claim for their settlement share, to opt out of the settlement or to object to the
11 settlement.
12

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

21 15. As part of the settlement it was necessary for me to sign a general release of all claims I
22 may have against San Diego Dialysis. I believe the Class Representative Service Payment I have
23 requested provides me with some compensation for this agreed release.

24 16. In light of all the time and effort I have spent on this case, the risk I undertook by suing
25 my employer, the exposure to being responsible for paying Defendant's costs in the event we did
26 not win the case, the reputational risk that future employers may hold this lawsuit against me, the
27

1 general release and in light of the size of the settlement, I believe the request for \$10,000 as a
2 Class Representative service payment is fair and reasonable.

3
4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Executed on 05/27/2025, at 5/27/20.
7 (city, state)

8 
9 Saenz Dorcas (May 27, 2025 12:22 PDT)
Sadate Philemon