

Larry W. Lee (State Bar No. 228175)
Max W. Gavron (State Bar No. 291697)
Kym Kanenaka (State Bar No. 350890)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
mgavron@diversitylaw.com
kym@diversitylaw.com

William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Attorneys for Plaintiffs MILTON URBINA AND HECTOR ZAVALA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

MILTON URBINA and HECTOR ZAVALA,
an individual and on behalf of all others
similarly situated;

Plaintiffs,

vs.

MONTECITO RETIREMENT
ASSOCIATION, a California corporation; and
DOES 1 through 50,

Defendants.

Case No.: 24CV03420

[Assigned for All Purposes to:
Hon. Thomas P Anderle, Dept. 3]

**DECLARATION OF HECTOR ZAVALA
IN SUPPORT OF MOTION FOR
APPROVAL OF PAGA SETTLEMENT,
ATTORNEY'S FEES AND COSTS, AND
SERVICE AWARD**

(Filed Concurrently with Notice of Motion
and Motoin and [Proposed] Judgment and
Order)

DATE: December 9, 2026
TIME: 10:00 a.m.
DEPT: 3

Action Filed: June 18, 2024
Trial Date: Not Set

DECLARATION OF HECTOR ZAVALA

I, Hector Zavala, hereby declare and state as follows:

1. I am an individual over the age of 18. I am the named plaintiff in the above-reference action. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I was employed by Defendant Montecito Retirement Association (“Defendant”) from about January 1, 2026, until about March 30, 2026, at Defendant’s facility in Montecito, California. Throughout my employment, I worked as a non-exempt, hourly employee.

3. During my employment, I regularly earned non-discretionary pay, such as shift differentials. During periods when I worked overtime and earned non-discretionary pay, I was paid overtime wages based on my base rate of pay. Instead, I should have been paid based on the higher, regular rate of pay that includes non-discretionary pay into the rate.

4. In addition, during my employment, meal and rest breaks were regularly late, missed, or interrupted. On these occasions, Defendant paid premiums to employees. Similarly to the payment of overtime wages, during periods when I was paid meal and/or rest break premiums and non-discretionary pay, the premiums were paid based on my base rate of pay. Instead, I should have been paid based on the higher, regular rate of pay that includes non-discretionary pay into the rate.

5. Due to the underpayment of overtime wages and meal and rest break premiums, the wage statements I received identified inaccurate hourly rates of pay and gross and net wages earned. Moreover, the wage statements also identified inaccurate rates of pay and number of hours worked for shift differentials.

6. I understand that this action is being prosecuted on behalf of the State of California and that I am acting as a private attorney general. I have taken all necessary steps to represent the interests of the State, including by providing information and documents to my counsel, discussing the claims and lawsuit with my counsel, answering any questions that have come up (including about how I was paid or what my wage statements show or meant).

7. I respectfully request that the Court award me with a service payment of \$5,000.00. I have done my best to represent the interests of the employees that are part of this settlement. During

the pendency of this lawsuit, I was required to provide assistance to my attorneys, including discussing the case with them on numerous occasions and providing them with documents and information. I have spent a significant amount of time in connection with the assistance/prosecution of the claims in this lawsuit. I estimate that I spent between 30-40 hours in connection with this lawsuit. This includes the following:

- a. Meeting with my attorneys to discuss this case and the facts involved on numerous occasions, including numerous telephonic meetings at various stages of the lawsuit;
- b. Gathering and reviewing documents related to this case;
- c. Reviewing the complaint and other documents, including my declaration, the PAGA letter, and the settlement agreement;
- d. Regularly providing information to my attorneys and responding to any questions; and
- e. Reviewing and signing the settlement agreement.

8. I have discussed the terms of the settlement with my attorneys, and based on the information provided, I believe the settlement to be fair, adequate, and reasonable for myself and other Aggrieved Employees.

9. I understand that I could have been liable for Defendant's legal costs had Defendant prevailed. I also understand that this lawsuit was filed in the public court records, which may affect my ability to obtain future employment.

10. I am proud of the result and accomplishment of this lawsuit. I feel that it is a positive accomplishment and understand that other people will benefit because of the actions that I have taken.

//

//

//

//

//

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

5 Executed on this 9th day of September 2026, at Santa Maria, California.

Signed by: 
8B0C692CE0C897A
Hector Zavala