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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

YUNUEN GUTIERREZ BAUTISTA, as individual, on behalf of herself, and all persons similarly situated,

Plaintiff,

v.

SPRING FERTILITY MANAGEMENT, LLC, a Delaware limited liability company, SPRING FERTILITY HOLDINGS, LLC, a Delaware limited liability company, SPRING FERTILITY MANAGEMENT OAKLAND, LLC, a Delaware limited liability company, SPRING FERTILITY MANAGEMENT SILICON VALLEY LLC, a Delaware limited liability company, SPRING FERTILITY MASTER MSO LLC, a Delaware limited liability company, NAM D. TRAN, an individual; PETER KLATSKY, an individual, KIMBERLY KWOK, an individual, CHAU DANG, an Individual, TANYA LY, an Individual; and DOES 1 and 10 inclusive;

Defendants.

CASE NO.: CGC-24-619940

Assigned for all purposes to the Honorable Rochelle East, Department 302

CLASS & REPRESENTATIVE ACTION

DECLARATION OF PLAINTIFF YUNUEN GUTIERREZ BAUTISTA IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION FOR APPROVAL OF PAGA ACTION SETTLEMENT AND APPLICATION FOR ATTORNEYS' FEES, COSTS, ADMINISTRATION COSTS AND PAGA REPRESENTATIVE SERVICE PAYMENT

Complaint Filed: November 11, 2024
FAC Filed: October 14, 2026

Date:
Time:
Dept:

I, Yunuen Gutierrez Bautista, declare as follows:

1. I am the named Plaintiff in the above-entitled lawsuit. The facts stated in this declaration are based upon my own personal knowledge, except as otherwise stated. If called to testify, I could and would competently testify to the facts stated herein.

2. This declaration is submitted in support of Plaintiff's Motion for Approval of PAGA Action Settlement and Application for Attorneys' Fees, Costs, Administration Costs, and PAGA Representative Service Award, filed and served concurrently herewith.

My Employment with Spring Fertility

3. I am employed as a non-exempt employee by Spring Fertility Defendants and have been assigned to work in a Spring Fertility Sunnyvale location California since approximately August 2024.

4. My job duties include patient care, assisting medical procedures, cleaning and disinfecting exam rooms, taking vitals, assisting and rooming patients, completing blood work, stocking, obtaining and rooming patients, and completing various medical forms, among other duties.

5. During my employment with Defendants, there were instances where I was not properly compensated for all time worked. Other employees and I performed work "off the clock," such as regularly responding to calls and messages from our supervisors and/or managers outside of work hours without compensation for the time spent responding to calls and/or messages, . I was also often required to perform work more than the scheduled shift length to complete the assigned tasks and duties, including patient care and assisting with procedures. I was also required to report work approximately 15 minutes before the scheduled start of shift in order to change into the required uniform at the location, without compensation for that time, and I believe Defendants edited and/or rounded my timekeeping records in a way that resulted in me not being paid for all hours worked. On some occasions, I was not paid overtime compensation for days I worked over 8 hours in the related pay period. There were several times when I was denied the opportunity to take a thirty-minute meal break during my shifts, but those breaks were automatically deducted from my pay. For example, I was instructed to clock out for a meal break using an application on my phone, and continue working, including monitoring patients, conducting and/or assisting with a procedure, taking vitals, assisting and rooming patients among other duties. Thus, during my employment, I regularly did not receive meal or

rest breaks. This was largely because Defendants required me to remain readily available to perform work-related duties throughout my shifts, including during meal and rest periods, and at times before and after shifts, regardless of whether I was clocked in.

6. I sought legal guidance due to the issues I experienced during my employment with Defendants.

This Lawsuit & My Participation

7. I retained Consumer and Employment Lawyers to represent me and others similarly situated in a lawsuit against Defendants. I decided to move forward with this lawsuit because I wanted to hold Defendants accountable for their wrongful conduct and to hopefully change their policies and practices.

8. At the time of filing this lawsuit, I understood, and continue to understand, that by being the named Plaintiff and PAGA representative, I had, and continue to have, an obligation to consider the interests of those I represent as I would consider my own interest. In line with my obligation to those I represent, I have not sought any individual benefits from this lawsuit, nor was I promised any compensation for serving as a representative.

9. I have actively participated in this lawsuit since its inception. At the onset, I had an extensive discussion with my attorneys regarding my experience and provided them with information and documents that I had related to my employment with Defendant. I have spoken with my attorneys on many occasions, including by telephone and email, regarding this lawsuit. For example, I have provided detailed descriptions and answered questions about my complaints and Defendants' policies and practices. I estimate that I have spent approximately 35 hours on the litigation of this case.

10. Prior to mediation, I spoke with my attorneys about the mediation process, the possibility of settlement, and the anticipated terms of the settlement. Following a full day of private mediation, I was pleased to learn that a settlement had been reached.

11. After the terms of the settlement were negotiated, I carefully reviewed the settlement agreement and all related documents. Based upon my review and understanding of the settlement documents, I believe that the settlement on the terms outlined in the agreement is fair and provides a sufficient benefit for the members of the PAGA class and the State of California.

12. I am proud that I took the time and effort to stand up for what I believe is right and just. Throughout this lawsuit, I have not sought individual benefits from this lawsuit, nor was I promised any compensation for serving as a representative. Rather, I maintained this lawsuit because I wanted to hold Defendants accountable. I believe that my efforts were valuable in reaching a resolution of the issues raised in this lawsuit. I have discussed the settlement and all requested awards with my attorneys, and I support and approve the requests based on the quality and quantity of the work performed.

13. By stepping forward, I took the risk that future employers may be reluctant to hire me since my name is associated with this case and is part of the public record. I also risked being held financially responsible in the event that this lawsuit was unsuccessful. Nevertheless, I maintained this action and continued my efforts to hold Defendants accountable for their conduct.

14. I believe that I have fulfilled my responsibilities as a PAGA representative, and I will continue to fulfill those responsibilities, to the best of my ability, until the end of this lawsuit.

15. To the best of my knowledge, I do not have any conflicts of interest with any other member of the PAGA class and will only receive my share of the settlement, as well as any amount the Court awards me as a PAGA Representative Service Award.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on this 28 day of October 2026 in San Jose, California.

Yunuen Gutierrez Bautista (Oct 28, 2026 12:03:29 PDT)

Yunuen Gutierrez Bautista