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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

JUAN CABEZA, an individual, on behalf of
himself, and on behalf of all persons similarly
situated,

Plaintiff,

vs.

CENTRAL NEIGHBORHOOD HEALTH
FOUNDATION, a California non-profit
corporation; and DOES 1 through 50, Inclusive;

Defendants.

Case No. 21STCV44468

**DECLARATION OF JUAN CABEZA IN
SUPPORT OF PLAINTIFF'S MOTION TO
APPROVE PAGA SETTLEMENT**

Hearing Date: May 2, 2023

Hearing Time: 9:00 A.M.

Judge: Hon. Elihu M. Berle

Dept.: 6

1 I, JUAN CABEZA, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the lead named Plaintiff in the
4 above PAGA action filed against CENTRAL NEIGHBORHOOD HEALTH FOUNDATION.
5 (Hereinafter, "Defendant")

6 2. I am submitting this declaration in support of Plaintiff's Motion To Approve PAGA
7 Settlement.

8 3. I seek the represent the State of California and a group of Aggrieved Employees
9 consisting of current and former non-exempt employees employed by Defendant in California. I
10 worked for Defendant as a non-exempt medical assistant from March 1, 2011 to January 4, 2023.
11 Defendant is a California non-profit corporation that operates healthcare facilities in the State of
12 California, including Los Angeles County where I worked. As a non-exempt employee compensated
13 on an hourly basis, I was entitled to legally mandated meal and rest periods, minimum wage and
14 overtime compensation and reimbursement for necessary business expenses. During my employment,
15 Defendant failed to provide compliant meal and rest periods, furnished inaccurate itemized wage
16 statements, miscalculated the regular rate of pay for purposes of paying overtime, premiums and sick
17 pay compensation, and failed to reimburse employees for mandatory business expenses, among other
18 things. Throughout my employment, I was subject to Defendant's written policies and procedures.

19 4. I and the Aggrieved Employees, that I am seeking to represent, were subject to the same
20 alleged unlawful employment policies and practices at issue in this action, including but not limited
21 to, Defendant's failure to provide compliant meal and rest periods, furnish accurate itemized wage
22 statements, miscalculation of the regular rate of pay for purposes of paying overtime compensation,
23 premiums and sick pay, and failure to reimburse employees, including myself for mandatory business
24 expenses. Factually, Defendant's policies and practices apply to myself and all Aggrieved Employees,
25 and Defendant's liability can be determined by facts common to all.

26 5. Further, there is no conflict between my interests and the interests of the Aggrieved
27 Employees that I am seeking to represent. My interests are entirely coextensive with the interests of
28

1 the Aggrieved Employees. I allege that I was injured by the same company-wide policies and practices
2 to which the Aggrieved Employees were subjected and seek the same relief. I have already
3 demonstrated my ability to advocate for the interests of the state and the Aggrieved Employees by
4 initiating this litigation, communicating with PAGA Counsel about the claims as they apply to myself
5 and others, undertaking extensive document evaluation and evaluating the proposed settlement to
6 assure that it is fair.

7 6. I understood at the time that I filed this action, that as a representative, I owed a duty to
8 the state and the Aggrieved Employees to faithfully prosecute this action with their best interests at the
9 forefront of every decision. I understood that I could not make any decision in this action for the sole
10 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
11 sacrifice my personal best interests for the benefit of the interests of the Aggrieved Employees.
12 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
13 relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour
14 practices. I believe that I faithfully executed the duties of a representative throughout this litigation
15 and will continue to do until this litigation is fully and finally resolve.

16 7. I believe that the proposed settlement before the court is Fair, reasonable and adequate,
17 and made in the best interest of the state and the Aggrieved Employees. I further support the fees being
18 requested by PAGA Counsel in this matter. Consequently, I respectfully, and humbly, ask the Court
19 to Grant approval of the Settlement and all of its terms.

20 I declare under the penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct. Executed 02/27, 2023, at Los Angeles (location/City), California.

22
23 *Juan Cabeza*
24 By: Juan Cabeza (Feb 27, 2023 16:25 PST)
25 JUAN CABEZA
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