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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

LUIS DE JESUS CLAUDIO, an individual, on
behalf of himself, and on behalf of all persons
similarly situated,

Plaintiff,

vs.

UNI CARE HOME HEALTH INC., a
California Corporation; and DOES 1 through
50, Inclusive,

Defendants.

Case No. 37-2022-00003063-CU-OE-CTL

Action Filed: January 25, 2022

**DECLARATION OF LUIS DE JESUS
CLAUDIO IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF
CLASS ACTION AND PAGA SETTLEMENT**

Date: December 6, 2024

Time: 9:30 a.m.

Judge: Hon. Wendy M. Behan

Department: C-66

1 I, LUIS DE JESUS CLAUDIO, 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 named Plaintiff in the above
4 wage and hour class action filed against UNI CARE HOME HEALTH INC. (hereinafter "Defendant").

5 2. This declaration is being submitted in support of Plaintiff's motion for Final Approval of
Class Action and PAGA Settlement.

67 3. I filed the lawsuit in January of 2022. I filed the case on behalf of myself and a class of
8 all employees who are or previously were employed by Uni Care Home Health Inc. who were paid in
9 whole or in part on a piece-rate basis and performed work in California during the period beginning
10 January 25, 2018 to March 5, 2024.

11 4. I worked for Defendant as a non-exempt employee, paid on a piece-rate basis in San
12 Diego County from October 2020 to February 2021.

13 5. I filed the case because I believed my rights as an employee were violated by Defendant
14 and also the rights of other employees that worked for Defendant. Among other claims, I believe
15 Defendant failed to pay for all hours worked, including separate compensation for non-productive time
16 and rest breaks, failed to provide meal breaks and rest breaks, failed to reimburse for required business
17 expenses, and failed to issue accurate itemized wage statements.

18 6. Before I initiated the case as the plaintiff and Class Representative, I spoke at length with
19 my attorneys. We discussed my work experience and how company policies were applied to me and
20 other employees. I provided the attorneys with documents they requested. We reviewed the documents
21 together and asked and answered many questions regarding my experience working for Defendant, the
22 litigation process, and about class actions generally.

23 7. During these conversations, I learned about my responsibilities as the plaintiff in the
24 lawsuit and as the proposed Class Representative. I understood that pursuing this action as a class action
25 rather than merely seeking my individual claims substantially increased the risk to me. Those risks
26 included the possibility of being held liable for Defendant's attorneys' fees and costs in a complex class
27 action if I lost the case. I also understood that as the Class Representative, I would be under increased
28 scrutiny by the attorneys and the Court because I needed to prove that I was an adequate class

1 representative. Further, I understood that I would lose some autonomy over my individual claims, that
2 I could not make decisions for my sole benefit, and that I needed to make every litigation decision with
3 the best interests of the Settlement Class in mind.

4 8. I also understood that pursuing this litigation created a very public record of my
5 grievances with Defendant which produced the risk that a future employer could hold it against me that
I sued a former employer.

67 9. I also knew that I was making a sacrifice in that I could have pursued my claims only on
8 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand
9 to receive from this settlement. My attorneys explained to me that the net settlement value of my
10 individual claims may be greater than my ultimate recovery from the net class settlement amount.

11 10. Notwithstanding these risks and sacrifices, I decided to go through with the case because
12 I believed violations occurred and most employees would not know what their rights are and even if
13 they did, they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

14 11. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed
15 status updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the
16 phone, because I wanted to keep up with developments in the case, which I understood was one of my
17 duties as a class representative.

18 12. **Review and Approval of Settlement:** A mediation was held on April 12, 2023. Even
19 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
20 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
21 with my attorneys after the mediation. I understood that although the mediation was unsuccessful, the
22 parties ultimately accepted a mediator's settlement proposal. I spoke with my attorneys about the
23 proposed settlement and I was very satisfied with the terms of the settlement that was agreed to by the
24 parties. When the settlement papers were ready, I again spoke with my attorneys and reviewed the
25 settlement agreement, which I signed on May 29, 2024.

26 13. **Participation:** Since I retained Class Counsel nearly three years ago, I have been actively
27 involved with this class action lawsuit performing the duties described above. While I did not keep
28 formal time records, I was in regular contact with my attorneys, reviewed important court filings, and

1 spent considerable time on the issues presented during the litigation and in the settlement process. I
2 estimate that I spent approximately 20 to 30 hours working on this case.

3 14. Also, my attorneys explained to me that the settlement process involved a two-step
4 review by the Court to determine whether the settlement was fair before ordering that the settlement be
5 funded and paid. I knew this process also involved notifying all class members of the settlement terms
6 and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to
67 the settlement.

8 15. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class
9 members who now stand to receive substantial monetary payments as a result of this case and
10 settlement. I also believe that the requested Class Representative Service Award in the amount of
11 \$10,000.00 from the settlement is fair compensation for the (1) the general release I executed, (2) the
12 work I performed, (3) the sacrifices made not pursuing this case individually, and (4) the risks I
13 undertook.

14 16. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
15 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
16 costs in the event we lost the case, and in light of the size of the settlement, I believe the request for
17 \$10,000.00 as a service award is fair and reasonable.

18 17. Further, I support my attorneys' application for a Class Counsel Award in the amount of
19 up to \$133,333.33, plus costs and expenses of up to \$20,000.00 for reimbursement of actually incurred
20 litigation expenses.

21 I declare under the penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct. Executed on 10/29/2024, in Chula vista, California

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24 By:  Luis de Jesus claudio (Oct 29, 2024 10:39 PDT)
25 LUIS DE JESUS CLAUDIO
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