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County of Tulare
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9 **SUPERIOR COURT OF CALIFORNIA**

10 **COUNTY OF TULARE**

11
12 LUCI GILLESPIE and ILEANA
13 SUASTEGUI, on behalf of themselves and all
others similarly situated,

14 Plaintiffs,

15 v.

16
17 PLUM HEALTHCARE GROUP, LLC, a
California limited liability company; and
18 DOES 1-100, inclusive,

19 Defendants.

Case No. VCU285376

**DECLARATION OF JOSELITO
GUERRERO IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA ACTION SETTLEMENT**

Judge: Hon. Bret Hillman
Dept.: 7

Complaint Filed: December 17, 2020
Trial Date: None Set

1 **DECLARATION OF JOSELITO GUERRERO**

2 I, Joselito Guerrero, declare as follows:

- 3 1. I am a named plaintiff and seek to represent the putative Class in the above-captioned action
4 (“Action”). I am over the age of 18. The following statements are based on my personal
5 knowledge. If called upon to testify as to the matters stated herein, I could and would do so
6 competently.
- 7 2. I submit this Declaration in Support of Plaintiffs’ Motion for Preliminary Approval of Class
8 and PAGA Action Settlement in the Action against Defendants Plum Healthcare Group, LLC;
9 Flax Holdings, LLC d/b/a River Valley Care Center; Gladiolus Holdings, LLC d/b/a The Pines
10 at Placerville Healthcare Center; Jujube Holdings, LLC d/b/a Sunnyvale Post-Acute Center;
11 Douglas Fir Holdings, LLC d/b/a Huntington Valley Healthcare Center; Olive Holdings, LLC
12 d/b/a Aviara Healthcare Center; and Rosebud Holdings, LLC d/b/a Western Slope Health
13 Center (collectively “Defendants”).
- 14 3. I have been employed by Defendants as a Licensed Vocational Nurse from approximately
15 December 2012 to the present at Huntington Valley Healthcare Center in Huntington Beach,
16 California.
- 17 4. During my employment with Defendants, I have experienced issues as set forth in the
18 Complaints in these Actions.
- 19 5. I retained Schneider Wallace Cottrell Konecky LLP (“SWCK”) and Lawyers for Justice
20 (“LFJ”) to represent me in this Action.
- 21 6. During this litigation, I have contributed numerous hours of my own time to the litigation of
22 these claims and been in constant communication with my attorneys to keep apprised of the
23 status of the litigation and answer questions as needed. For example, prior to filing the
24 Complaint in my case, I had multiple telephonic interviews with my attorneys about my work
25 experiences, possible claims, and my duties as a named plaintiff and Class representative in
26 this litigation. I understand that these duties include participating actively in the litigation,
27 reviewing significant events in the litigation, keeping abreast of the status and progress of the
28 litigation, and considering the interests of the Class and putting those interests ahead of my

1 own. I knew that there was no guarantee that we would be successful in this case, and that
2 there was a significant chance of protracted litigation. I realized that my name would be on a
3 Class Action. I also understood that I may be required to spend a significant amount of time
4 on the discovery process.

5 7. Before and during the two mediations in this Action, I spoke extensively to my attorneys and
6 provided them with detailed information about the conditions of employment at Huntington
7 Valley Healthcare Center. I spent hours on the phone with my attorney, Scott Gordon,
8 discussing what was currently happening, along with previous issues, and the reasons for why
9 we were experiencing certain problems. I remained on-call during the mediations and stayed
10 updated regarding their progress. Once we reached a settlement, I carefully reviewed the
11 material terms, discussed it with my attorneys, and signed the Agreement on December 11,
12 2023.

13 8. Throughout this litigation, I have been in constant communication with my attorneys to keep
14 apprised of the status of the litigation and to answer questions as needed to pursue this case. I
15 have kept up to date on the status at every phase. I have worked closely with my attorney,
16 particularly Scott Gordon.

17 9. In sum, I worked with my attorneys to prepare the Complaint, provided documents and
18 extensive information regarding my experience working for Defendants, stayed up to date on
19 the mediation process and settlement decisions, and otherwise remained in constant contact
20 with my attorneys.

21 10. To make this proposed Settlement a reality, I agreed to a general release. The general release
22 encompasses all claims that I may have arising out of my employment with Defendants. In
23 contrast, I understand that the release for putative Class members is limited to the facts and
24 claims alleged in the Complaints. I agreed to the general release as a condition of Settlement
25 to resolve my claims and the claims of the putative Class members.

26 11. Aside from the payment I am eligible to receive as a putative Class member and an
27 enhancement payment for serving as the class representative, subject to Court approval, I am
28 not receiving any other benefits from this Settlement.

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I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed on 01 / 13 / 2024 in Huntington Beach, California.



Joselito Guerrero