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*Attorneys for Plaintiffs, on behalf of the  
Putative Class, the State of California  
and Aggrieved Employees*

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ALAMEDA**

KHAYO SISHI, SANDEEP PUREWAL,  
VANESSA BARBER, and CHERRA REDD on  
behalf of the Putative Class, the State of  
California and Aggrieved Employees;

*Plaintiffs,*

v.

ESKATON PROPERTIES INCORPORATED,  
CALIFORNIA HEALTHCARE  
CONSULTANTS, INC., and DOES 1-100,  
inclusive;

*Defendants.*

Case No.: RG21100764

Hon. Eumi Lee  
Dept. 512

**DECLARATION OF PLAINTIFF KHAYO  
SISHI IN SUPPORT OF MOTION FOR  
FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT**

Date: July 28, 2023  
Time: 9:30 a.m.  
Dept.: 512

Complaint Filed: June 2, 2021

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1. I am a Named Plaintiff in *Sishi, et al. v. Eskaton Properties Incorporated, et al.*, pending in the Superior Court of California, County of Alameda. I am over the age of eighteen. The following statements are based on my personal knowledge. If called on to do so, I could and would testify competently thereto.
2. I submit this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement in this action.
3. I was employed by Defendants as a non-exempt employee from approximately January 2019 until June 2022. I was employed by Defendants as a residential care assistant and my duties included, for example, assisting residents with dressing and showering, assisting residents during mealtimes, and assisting residents with other daily activities.
4. I experienced issues in my employment with Defendants, including Defendants' failure to pay for all hours worked, including minimum wages and over overtime wages, meal and rest break issues, and other wage and hour issues.
5. As a result of these issues, I believed that I experienced unpaid wages violations and decided to contact an attorney. Schneider Wallace Cottrell Konecky LLP is representing me in this case. I understand that Lawyers for Justice, PC and Capstone Law, APC are also co-counsel in this action.
6. I first reached out to my attorneys at the beginning of 2021, and they have officially been representing me since February 2021. I have been involved with this case for nearly two and a half years.
7. I knew that there was no guarantee that I would be successful in this case, and that there was a significant chance of protracted litigation. I understood I could potentially be liable for fees and costs. I also understood that I could have to spend a significant amount of time in the discovery process.
8. Additionally, I realized that my name would be on the action, and that this information would be visible to others. This is particularly significant for me because I have worked in this industry since approximately 2009 and was still employed with Defendants at the time the lawsuit was filed. I am concerned that other employees in this industry will look unfavorably on my involvement in a lawsuit against my employers.
9. Nonetheless, I felt strongly that Defendants had unlawful wage and hour policies

1 and/or practices. Therefore, I decided to proceed as a representative plaintiff and file a lawsuit. I  
2 understood that I would serve as a Named Plaintiff and representative employee for claims under the  
3 California Labor Code Private Attorneys General Act (“PAGA”). I also understood that a later  
4 amendment to the complaint would turn this case into a class action, in addition to a PAGA action,  
5 and that I would serve as a representative for the proposed class of workers.<sup>1</sup> I further understood  
6 that serving as a representative of the Class members and Aggrieved Employees meant putting their  
7 interests above my own.

8 10. I worked with my attorneys to answer questions and review facts about my  
9 employment with Defendants so that they could draft the complaints. We filed the case on June 2,  
10 2021. Thereafter, we filed a first amended complaint on July 28, 2021, and a Second Amended  
11 Complaint on September 13, 2022.

12 11. During the initial investigation, in preparation of the filing of the complaint, and in  
13 anticipation of discovery and mediation, I provided documents to my attorneys, including but not  
14 limited to wage statements, correspondences to and from Defendants, and policy documents.

15 12. I was aware that the parties would be proceeding with mediations in February and  
16 March 2022 to attempt to resolve the wage and hours claims. I assisted my attorneys in their  
17 preparation for the mediations and answered questions in developing our position. I remained on-call  
18 throughout the mediations and stayed updated regarding the process during the mediations and  
19 thereafter.

20 13. After the proposed Class Action Settlement Agreement and Release was reached, I  
21 reviewed the terms. I also carefully reviewed Addendum A and Addendum B to the Settlement. I  
22 discussed the Settlement with my attorneys. I spent time evaluating the proposed outcome to assure  
23 that it was fair. Based on my own review and my attorneys’ evaluation and recommendation, I  
24 believe the Settlement is fair and reasonable. I signed the Settlement on October 6, 2022, and the  
25 addenda thereto on November 6, 2022 and December 22, 2022.

26 14. Throughout this action, I have been in communication with my attorneys to keep  
27 apprised of the status of the litigation. I have kept up-to-date on the status at every phase.

28 15. In sum, I have been an active participant in this litigation since the inception of the  
29 case. I worked with my attorneys to prepare the complaints, provided documentation to my  
30

31 <sup>1</sup> Plaintiffs Barber, Purewal, and Redd, separately initiated actions against Defendants. After further investigation and  
32 meeting and conferring, the Parties agreed that the cases should be consolidated and Plaintiffs Barber, Redd, and Purewal  
should be added to the First Amended Complaint. The Court ultimately granted the Parties’ stipulation for leave to file a  
Second Amended Complaint to incorporate these additional Plaintiffs and their claims, and the Second Amended  
Complaint was filed on September 13, 2022.


1 attorneys, contributed important information ahead of the mediations, stayed informed of the  
2 mediation process and settlement decisions, and otherwise remained in contact with my attorneys. I  
3 have been involved with this litigation for nearly two and a half years, and during that time I  
4 estimate that I have contributed at least 6-8 hours of my own time to the prosecution of these claims.

5 16. By participating in this case as a plaintiff, I placed myself at personal risk. For  
6 example, I faced: (a) risk to my reputation in my community as a result of stepping forward publicly  
7 in a class and PAGA action; (b) risk to my reputation as it concerns my future employment  
8 opportunities; (c) risk that I would be subject to intrusive discovery and time demands in this  
9 litigation; and (d) risk that I would have to pay defense costs if I lost this case. Nevertheless, I chose  
10 to face these risks to challenge the way that Defendants treated their employees.

11 17. I ask that the Court award an incentive award of \$10,000 to compensate me for the  
12 amount of time I spent on this case, the risks undertaken, the fact that I am providing a general  
13 release of my rights against Defendants, and for the benefit being provided by the Settlement to the  
14 Class, the Labor and Workforce Development Agency, and the Aggrieved Employees.

15  
16 I declare under penalty of perjury under the laws of the State of California that the foregoing  
17 is true and correct and is based upon my personal knowledge.

18  
19 Executed on 06 / 28 / 2023 in San Mateo, California.

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24 Khayo Sishi