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Attorneys for Named Plaintiffs IRENE CLINE, LYNN CHO,
DESIREE PACHECO, and ITZEL MARLENE DIAZ

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA COUNTY**

IRENE CLINE, LYNN CHO, DESIREE
PACHECO, and ITZEL MARLENE DIAZ,
individually, on behalf of all other similarly
situated persons, on behalf of the
CALIFORNIA LABOR AND
WORKFORCE DEVELOPMENT
AGENCY, and on behalf of the STATE OF
CALIFORNIA,

Plaintiffs,

v.

SI SE PUEDE BEHAVIORAL, INC. a.k.a.
SOCIALLY SIGNIFICANT
PROGRAMMING FOR BEHAVIORS,
INC., a California corporation; FELICIA
LOPEZ, an individual; and DOES 1-20,

Defendants.

Case No. RG18911378

**DECLARATION OF DESIREE PACHECO
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

ASSIGNED FOR ALL PURPOSES TO
JUDGE WINIFRED Y. SMITH
DEPARTMENT 21

Date: August 13, 2021
Time: 10:00 a.m.
Reservation Nos.: R-2276695

Complaint Filed: July 2, 2018
Trial Date: None set

ENDORSED
FILED
ALAMEDA COUNTY
22 2021
CLERK OF THE SUPERIOR COURT
Deputy

1 I, Desiree Pacheco, declare as follows:

2 1. I make this declaration in support of Plaintiffs' Motion for Preliminary Approval of
3 Class Action Settlement. The facts set forth in this declaration I know to be true of my own
4 personal knowledge, except where facts are stated to be based on information and belief, and
5 those facts I believe to be true. If called as a witness I could and would testify competently to
6 the matters set forth in this declaration.

7 2. I worked as an hourly, non-exempt tutor at SSPBI from September 2009 to March 2017.

8 3. Upon my hire, I received a copy of the SSPBI employee handbook stating that tutors are
9 only paid for time spent in sessions with clients. At that time, I was also informed that I may
10 submit a mileage reimbursement form by the end of each pay period to receive reimbursement
11 for miles spent driving to, from, and between clients' homes for sessions.

12 4. Despite spending many hours in any given work week driving in my car for work, I was
13 not compensated for any time spent driving to, from, or between clients' homes for sessions.

14 5. Prior to 2017, I was only reimbursed for mileage when I voluntarily submitted a form to
15 SSPBI. If the form was submitted after the end of a pay period, it was considered late and I was
16 not reimbursed for any of the miles I drove during that period. If a reimbursement form was not
17 submitted at all, I would not get reimbursed for mileage.

18 6. When I first began working at SSPBI, I did not submit any mileage reimbursement
19 forms because it was too much of a hassle and I was not given time during the workday to do
20 so. After approximately three years of working at SSPBI, I started submitting the forms more
21 frequently.

22 7. I was often not permitted to take meal or rest breaks, regardless of the number of hours I
23 worked in a day. There were many weeks where I was scheduled for back-to-back sessions
24 every workday. This meant I only had time to rush to my car and immediately drive to the next
25 session, with no time for a break or meal in between.

26 8. I was never informed that I was entitled to take a meal break. As a result of working
27 back-to-back sessions, I frequently ate lunch in her car, even while driving to my next session,
28 or did not eat lunch at all.

9. I recalls an SSPBI manager telling me I can take a rest break during longer sessions
when the child is given a short break. She told me that is the time when I can get water or use
the bathroom. However, I frequently needed to prepare and set up the next program during that

1 time, and so I was rarely able to take a full ten-minute break.

2 10. SSPBI calculated my overtime hours on a weekly basis rather than on a daily basis. As
3 a result, I was not paid for all of the overtime hours I worked. I frequently worked over eight
4 (8) hours per day when driving time is included.

5 11. As a result of these violations, SSPBI failed to provide me with accurate, itemized wage
6 statements.

7 12. I believe I am an adequate class member representative because I was subject to the
8 same employment practices and policies as the Class Members from SSPBI.

9 13. I am informed and believe that my claims against Defendants are typical of the Class
10 Members' claims being settled in this case. I have spoken with my attorneys regarding the
11 fiduciary duties that I have as a class representative and believe that I can adequately fulfill
12 those fiduciary duties to the Class Members.

13 I declare under penalty of the laws of the state of California that the foregoing is true
14 and correct and that this declaration was executed on this day 7/21/2021, in Union City,
15 California.

DocuSigned by:



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Desiree Pacheco