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7 *Attorneys for Plaintiff and the Putative Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 BARBARA GRADY, individually
13 and on behalf of all others similarly
14 situated,

15 Plaintiffs,

16 v.

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18 RCM TECHNOLOGIES, INC.,

19 Defendant.
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Case No. 2:19-cv-04390-JAK-AGR

DECLARATION OF BARBARA ANN GRADY IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

Date: August 23, 2024

Time: 10:30 a.m.

Location:

First Street U.S. Courthouse
350 W. 1st Street, Courtroom 8A, 8th Floor,
Los Angeles, CA 90012

Complaint Filed: February 7, 2022

1 I, Barbara Ann Grady, declare as follows:

2 1. This declaration is based on my personal knowledge. If called on to do so, I
3 could and would testify competently thereto.

4 2. I worked as a nurse for Defendant RCM Technologies (USA), Inc. (RCM) in
5 September and October of 2020. I am also the named plaintiff and proposed class
6 representative in this case brought against RCM for not providing its nurses in California
7 with all the meal and rest periods to which we were entitled and for not doing enough to
8 prevent us from working off the clock. Earlier in this case, I submitted a declaration in
9 support of a motion for class certification, which described my experience as an RCM
10 nurse. I do not repeat that declaration in its entirety here but still stand by my statements
11 in it.

12 3. I worked for RCM during the Covid-19 pandemic. One of my early assignments
13 for RCM was at Hi Desert Continuing Care in Joshua Tree, California, which was a skilled
14 nursing and rehabilitation facility. I was assigned to a floor with patients who had Covid-
15 19. As I described in my previous declaration, I worked more hours than I was permitted
16 to record on my time sheets but was told that I could not be paid for the time spent working
17 beyond my scheduled shift time because I did not get pre-approval for it. I also was not
18 able to take many of my meal periods, but RCM would not compensate me for working
19 through them even when I complained.

20 4. I came away from this first assignment with the understanding that management
21 did not want me to record all my work time when it was more than the scheduled shift
22 time and that management would not compensate me for the time spent working through
23 breaks. Rather, the policy was to assume that I could get all the work done and take all
24 my meal and rest periods in the allotted time. When I tried to explain to my supervisor
25 that this was not the case, I experienced a lot of resistance and disbelief.

26 5. After my assignment at High Desert Continuing Care, RCM assigned me to work
27 at “pop up” Covid 19 testing centers. I worked at the Covid testing centers at the Rancho
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1 Cucamonga Sports Park, San Bernardino Orange Show, Hesperia, Lytle Creek, Rialto,
2 Upland, Fontana, and Montclair. This also was during the height of the Covid-19
3 pandemic and the patient flow tended to be busy.

4 6. My job was essentially the same at each of these sites. I would arrive before the
5 start time of my shift to unload the tables and testing equipment from a truck or van, and
6 then set the tables and equipment up. Then I would assist the patients to perform the Covid
7 tests and collect the samples. We would do this until the end of the shift. After the
8 scheduled shift end time, we would then break down the tables and load them and the
9 equipment back on the van.

10 7. The loading and unloading of tables and equipment often was not accounted for
11 in the sign-in and sign-out time on the time sheets. I believe much of this time went
12 unaccounted for at the different sites.

13 8. There were also many occasions when I did not get off-duty meal periods of at
14 least 30 minutes by the end of the fifth hour of work or off-duty rest periods every four
15 hours while working at the Covid testing sites. It was often too busy with the people
16 getting tested for us to take off-duty meal and rest periods.

17 9. Still, a half-hour was regularly deducted from my pay based on the assumption
18 that we all got all our meal and rest periods in a timely fashion. Also, I do not recall
19 getting any additional premium pay for noncompliant meal or rest periods at any of the
20 locations that I worked while employed by RCM.

21 10. I understand that I am the named plaintiff and proposed class representative in
22 this case. I brought this case, not just because I felt RCM didn't pay me correctly or
23 respect my wage and hour rights, but because I am concerned that RCM's policies caused
24 other nurses like me to be deprived of their wage and hour rights too. I brought this case
25 to seek redress for the nurses as a class, not just myself.

26 11. I have been committed to working with my attorneys to prosecute this case in
27 the best interest of the class. At various points during the case, such as when the Court
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1 denied approval of the previous settlement, or after I came out of grueling deposition, I
2 could have tried to settle out my case individually or just give up. But I continued to push
3 forward with my attorneys on behalf of the class.

4 12. I have spent many hours with my attorneys over the course of this case providing
5 information and assisting them in bringing the claims forward. I have traveled from my
6 home in Covina, California to the downtown LA offices of RCM’s attorneys to sit for
7 deposition. I also participated in the mediation on July 2, 2024, and had many discussions
8 with my attorneys during and after the mediation to evaluate the different settlement
9 positions, the potential benefits and risks of litigation, and the mediator’s proposal. In the
10 end, I believe that what we negotiated through the settlement is a fair compromise and I
11 am proud to have worked with my attorneys to achieve it.

12 I declare under penalty of perjury under the laws of the State of California and the
13 United States of America that the foregoing is true and correct and is based upon my
14 personal knowledge. Executed on 07 / 23 / 2024 , in Covina, California.



Barbara Ann Grady





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Audit trail

Title	RCM Declaration
File name	RCM_Grady_Declaration_240723.pdf
Document ID	1e023af918c72c008f8121f06c99afcb839086f3
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History

 SENT	07 / 23 / 2024 23:32:25 UTC	Sent for signature to Barbara Grady (barbiesteinberg@yahoo.com) from jkonecky@schneiderwallace.com IP: 50.115.65.11
 VIEWED	07 / 24 / 2024 00:12:18 UTC	Viewed by Barbara Grady (barbiesteinberg@yahoo.com) IP: 104.174.199.63
 SIGNED	07 / 24 / 2024 00:16:08 UTC	Signed by Barbara Grady (barbiesteinberg@yahoo.com) IP: 104.174.199.63
 COMPLETED	07 / 24 / 2024 00:16:08 UTC	The document has been completed.