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Attorneys for Plaintiffs *KURT CASADINE and ALFRED GUERRERO,*
as individuals and on behalf of all similarly situated employees

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KURT CASADINE on behalf of) Case No.: CV 12-10078-DMG (CWx)
himself and all others similarly situated,))
) Honorable Dolly M. Gee
)
Plaintiffs,)
) **DECLARATION OF PLAINTIFF**
) **KURT CASADINE IN SUPPORT**
vs.) **OF REQUEST FOR SERVICE**
) **ENHANCEMENT AWARD**
)
)
MAXIM HEALTHCARE SERVICES,) Date: September 18, 2015
INC., a Maryland Corporation and) Time: 11:00 a.m.
DOES 1 through 100, inclusive,) Dept.: Courtroom 7 – 2nd Floor
)
)
Defendants.)
) Complaint Filed: October 24, 2012
)
)

1 **ADDITIONAL COUNSEL:**

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8 *Attorneys for Plaintiffs KURT CASADINE and ALFRED GUERRERO,*
9 *as individuals and on behalf of all similarly situated employees*

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1 DECLARATION OF KURT CASADINE

2 I, Kurt Casadine, hereby declare as follows:

3 1. I am an individual residing in Long Beach, California. I am over the
4 age of eighteen and am a Plaintiff in the case *Kurt Casadine v. Maxim Healthcare*
5 *Services, Inc.*, Case No. CV 12-10078-DMG-CWx. I hereby submit this
6 declaration in support of Plaintiff's Request for Service Enhancement Award.

7 2. The foregoing is based upon my personal knowledge and, if called as
8 a witness, I could and would competently testify thereto.

9 3. I was employed by Defendant, Maxim Healthcare Services, Inc.
10 (hereinafter referred to as "Maxim") out of the Los Angeles Companion Branch
11 from approximately November 2011 through January 2012 as a home health aide.

12 4. As a home health aide, my basic responsibilities were to assist my
13 assigned patient / client with all facets of daily living, including bathing, grooming,
14 assisting with shower and/or bathroom needs, meal preparation, assistant with meal
15 service, housekeeping duties, administration of medications, shopping for
16 household items and groceries, requests for water, general errands, and any other
17 general care needs of my client / patient.

18 5. During my employment with Maxim, I was assigned and scheduled
19 by Maxim to work twenty-four (24) hour "live-in" shifts. During the twenty-four
20 (24) hour "live-in" shifts I was required to remain on the client's premises for the
21 entire twenty-four (24) hour shift, and was required to answer patient requests
22 and/or demands at any time during the twenty-four (24) hour shift. I was hired by
23 Maxim in November 2011 to specifically work with a client who requested twenty-
24 four (24) hour "live-in" care.

25 6. During my employment, Maxim compensated me approximately One
26 Hundred Twenty Eight Dollars (\$128.00) per twenty-four (24) hour "live-in" shift.
27 I was paid this flat or daily rate of pay for all twenty-four (24) hour "live-in" shifts.
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1 7. I believe that certain employment practices of Maxim were unlawful,
2 including Maxim’s policy and practice of compensating employees who worked
3 twenty-four (24) hour “live-in” shifts. I believe that Maxim failed to compensate
4 me and other similarly situated employees for all hours worked during twenty-four
5 (24) hour “live-in” shifts. I further believe that Maxim failed to issue legally
6 compliant wage statements which showed all required information, including all
7 hours worked and all applicable hourly rates of pay. In or about October 2012, I
8 decided to file a proposed class action lawsuit based on these California Labor
9 code violations, and agreed to serve as a Named Class Representative in the
10 litigation in order to represent other employees who were similarly affected by
11 Maxim’s alleged violations.

12 8. Despite the risks associated with filing a class action lawsuit, I
13 believed that I could adequately represent the proposed class of employees and
14 would prevail on my claims. At the time I agreed to become a class representative,
15 I understood that Maxim directly opposed the merits of the lawsuit and the
16 likelihood that the putative class would be certified.

17 9. I believe I am an adequate class representative because my interests in
18 this action are the same as other employees who worked twenty-four (24) hour
19 “live-in” shifts for Maxim. As a class representative I understand that I am
20 representing the interests of all class members in this litigation, and willingly and
21 knowingly brought the claims on behalf of class members. I fully understand that
22 as class representative I hold certain fiduciary duties to the class, and must always
23 consider the interests of class members. Through the lawsuit I sought the same
24 damages and remedies, unpaid minimum wages and waiting time penalties, as
25 class members sought. I believe that I have diligently served as a class
26 representative in this matter.
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1 10. Throughout this litigation, I have diligently served as a class
2 representative. I made myself available to my attorneys at their request and
3 attended multiple in-person meetings at my attorneys' office. I also conducted
4 countless telephone conferences with my attorneys and provided them a wealth of
5 information about my employment with Maxim. I met with Sean M. Blakely, my
6 attorney of record, on numerous occasions, which also included telephonic
7 conversations to discuss the different policies and practices at Maxim. I assisted
8 my attorneys with the investigation process by providing documents and gathering
9 information. As an example, I provided my attorneys with the contact information
10 of other employees who worked for Maxim. I also answered questions prepared
11 by my attorneys to aide them in sending questions to the attorneys that represented
12 Maxim.

13 11. Maxim served Request for Production of Documents on me in or
14 about July 2013. I met with my attorneys to review the Requests and made a
15 diligent search for responsive documents. On or about August 8, 2013, through
16 my attorneys of record, I responded to Maxim's Request for Production of
17 Documents.

18 12. Furthermore, Maxim noticed my deposition in this matter. I met with
19 my attorneys on multiple occasions to prepare for my deposition. On August 28,
20 2013, I appeared for my deposition at Maxim's attorneys' office. As we did not
21 complete my deposition on August 28, 2013, I again appeared for a second day of
22 deposition on September 30, 2013.

23 13. On November 22, 2013, I attended a private mediation session with
24 my attorneys and mediator Jeffry Krivis in Encino, California. I was present at the
25 mediation the entire session, which lasted a full day. Ultimately, the Parties were
26 unable to reach a resolution at this mediation.
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1 14. On or about May 5, 2014, Plaintiff filed its Motion for Class
2 Certification in this matter. In support of this Motion, I submitted a written
3 declaration attesting to the claims I asserted in this litigation as well as my
4 adequacy to represent the proposed classes.

5 15. In or about November 2014, I worked with my attorneys in submitting
6 a further written declaration in support of Plaintiff's Supplemental Class
7 Certification Briefing regarding Plaintiff's Wage Statement claim. Following the
8 submission of Plaintiff's Supplemental Class Certification Brief, the Parties
9 engaged in settlement discussions. I was in constant communication with my
10 attorneys throughout these negotiations. During the settlement negotiations, I
11 understood the risk of moving forward with further class certification efforts as
12 well as a potential trial. Based on the substantial information provided, I believe
13 the pending settlement terms are fair, reasonable and adequate, and the
14 consideration to the proposed class in exchange for a release of claims asserted in
15 the lawsuit is merited.
16

17 16. I estimate that I have spent no less than eighty-five (85) hours total
18 throughout this litigation, including my initial consultations with Sean M. Blakely,
19 Esq., the numerous meetings with my attorneys, both in person and telephonically,
20 gathering documents, reviewing documents, and gathering information.

21 17. I understand that I may be entitled to additional payment for my role
22 as a class representative and the time I spent working on this case. I also
23 understand that this amount is not guaranteed and is subject to court approval.

24 18. I also took significant professional risk by agreeing to be a class
25 representative in this case. There is a very real possibility that due to my
26 involvement in this case, other companies could refuse to hire me. I knew that I
27 ran the risk of being labeled a troublemaker in the home health care industry
28 generally by serving as a named plaintiff in a class action lawsuit. I am aware that

1 future employers may be less inclined to hire me because of my involvement in
2 this case. I further knew that I ran the risk of having to file bankruptcy should the
3 lawsuit have been lost due to the potential judgment Maxim would have been
4 entitled to for costs associated with defending this case.

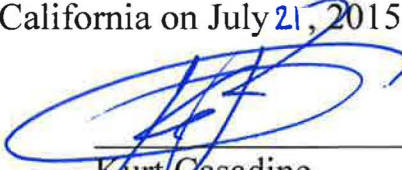
5 19. Furthermore, as part of the settlement agreement with Maxim, I
6 agreed to a much broader release of claims against Maxim, including agreeing to a
7 general release of all known and unknown claims against Maxim.

8 20. Between the time of the Order granting Plaintiffs' Motion for
9 Preliminary Approval and the present Motion for Attorneys Fees and Service
10 Enhancement Awards, I have been in constant contact with my attorneys to ensure
11 that they had everything they needed to move the notice administration along as
12 well as to prepare this instant Motion for Attorneys Fees and Service Enhancement
13 Awards.

14 21. For the reasons stated above, I believe I am entitled to the requested
15 service enhancement award of \$10,000.00 for my work in this case. This amount
16 is fair and justified because of my extensive involvement and assistance with this
17 litigation, the risks I took by agreeing to be a class representative, and the total
18 settlement fund of \$630,000.00.

19 I declare under penalty of perjury under the laws of the United States
20 that the foregoing is true and correct.

21 Executed at Long Beach, California on July 21, 2015

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24 
25 Kurt Casadine