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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

FRANKLIN AMOG, as an individual and
on behalf of all others similarly situated,

Plaintiffs,

vs.

EL CAMINO HOSPITAL, a California
nonprofit public benefit corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 20CV363828

(Assigned to the Honorable Patricia M. Lucas,
Dept. 3)

**DECLARATION OF NICHOLAS
ROSENTHAL IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: October 13, 2021

Time: 1:30 p.m.

Dept.: 3

1 I, Nicholas Rosenthal, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Diversity Law Group, counsel of record for Plaintiff
4 Franklin Amog ("Plaintiff"). I have personal knowledge of the facts set forth below and if called
5 to testify I could and would do so competently.

6 2. The Settlement Agreement was the product of negotiation between highly able
7 and experienced attorneys on both sides who possessed the relevant data and extensive legal
8 research which they had carefully analyzed. Class Counsel engaged in extensive factual
9 investigation before settling, including reviewing class data produced by Defendant relating to
10 the number of wage statements reflecting the payment of shift differential and/or per diem wages
11 issued to each putative class member. This allowed Plaintiff to conduct a full damage analysis.

12 3. I support the settlement as fair, reasonable, and adequate, and in the best interest
13 of the Class Members as a whole.

14 4. My qualifications are as follows: I received my JD from University of Southern
15 California Gould School of Law in 2009. Upon graduation, I practiced law as an associate at
16 Seyfarth Shaw LLP, representing corporate clients in both single-plaintiff and wage hour class
17 actions. In 2014, I began as an associate at Diversity Law Group.

18 5. I have handled a number of wage and hour matters including class actions and
19 multiple-plaintiff actions. I have been named as Class Counsel in a number of class actions that
20 have been granted certification or preliminary or final approval by the Superior Courts of Los
21 Angeles County, Orange County, Alameda County, and Monterey County, the United States
22 District Court for the Central District of California, and the United States District Court for the
23 Northern District of California. These cases include, but are not limited to: *Diller v. Under*
24 *Armour Retail, Inc.*, Santa Clara County Superior Court Case No. 114-CV-265729, *Dall v. Post*
25 *Alarm Systems*, Los Angeles County Superior Court Case No. BC598528, *Lopez v. Imperial*
26 *Body Shop, Inc.*, Orange County Superior Court Case No. Case No. 30-2015-00816193-CU-OE-
27 *CXC, Hughes v. Lincare, Inc., et al.*, Monterey County Superior Court Case No. M124764,
28 *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case No.

CIVDS1823132, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County Superior Court Case No. 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento County Superior Court Case No. 34-2018-00245481-CU-OE-GDS, *Chavez v. Converse, Inc.*, United States District Court – Northern District of California Case No. 15-cv-03746-NC, and *Rodriguez v. Nike Retail Services, Inc.*, United States District Court – Northern District of California Case No. 5:14-CV-1508 BLF.

6. To date, I have incurred approximately 57.3 hours in connection with the litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date.

7. The total lodestar for my hours will be approximately \$37,245 based on an hourly rate of \$650 per hour. I have been approved at this rate by various courts, including: *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County Superior Court Case No. 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento County Superior Court Case No. 34-2018-00245481-CU-OE-GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144; *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867, *Pascual v. Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211; *Carrillo v. New Balance Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Vogel v. Veolia North America, LLC*, Monterey County Superior Court Case No. 19CV001443; *Holman v. American Sugar Refining, Inc.*, Contra Costa County Superior Court Case No. MSC18-00415; and *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-03746-NC.

I declare under penalty of perjury under the laws of the State of California that the

1 foregoing is true and correct.

2
3 Executed on this 17th day of September 2021, at Los Angeles, California.

4 
5 _____
6 Nicholas Rosenthal

EXHIBIT A

Franklin Amog v. El Camino Hospital
Nick Rosenthal Time and Task Chart

Hours	Description of Work
4.1	Investigation of facts; research into potential claims.
1.7	Review and revise Class and Representative Action Complaint for Damages.
6.4	Research regarding Defendant's claimed exemptions from Labor Code Section 226(a).
4.0	Review CBA and Defendant's corporate/ownership structure.
1.5	Review and edit outgoing discovery to be propounded on Defendant.
1.9	Assist in drafting data request to be sent to Defendant in anticipation of mediation.
3.9	Analyze and review data provided by defense counsel and prepare damages model. to evaluate liability.
1.3	Review Defendant's mediation statement.
4.5	Review and edit mediation statement.
10.2	Attend mediation.
6.8	Review and revise Joint Stipulation of Class Action and PAGA Settlement and proposed Notice of Class Action Settlement.
5.5	Review and edit motion for preliminary approval and supporting documents.
5.8	Review and edit Motion for Final Approval and supporting declarations.
57.3	TOTAL HOURS