

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554
lwlee@diversitylaw.com
kagnew@diversitylaw.com
nrosenthal@diversitylaw.com

Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ERNESTO DELGADO, as individuals and on
behalf of all others similarly situated,

Plaintiffs,

vs.

KLOECKNER METALS CORPORATION,
a Delaware corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No.: 20STCV22503

[Assigned to the Honorable Yvette M.
Palazuelos, Department 9]

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

Date: August 1, 2023
Time: 10:30 A.M.
Dept.: 9

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I, Nicholas Rosenthal, hereby declare and state as follows:

1. I am an attorney at law, duly licensed to practice before all Courts in the State of California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiff Ernesto Delgado (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. The Notice of Proposed Class Settlement (“Notice”) provided Settlement Class Members with my office’s contact information, where they could further seek information regarding the settlement, leave questions for the Settlement Administrator, and update their address.

3. There were no objections to the amount of attorneys' fees or litigation costs that Class Counsel seek in this case and for which Plaintiff asks the Court for final approval.

4. The Second Amended Stipulated Settlement Agreement and Release of Claims (“Settlement Agreement”) was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including the exchange of written discovery and reviewing class data. I performed a comprehensive damages analysis and negotiated the settlement amount based on a clear understanding of the maximum exposure in this case, as explained more fully in Plaintiff’s Motion for Preliminary Approval.

5. The settlement in the case at bar warrants approval and carries a presumption of fairness. As previously noted in the application for Preliminary Approval, this current settlement was negotiated at arm's length. I support the settlement as fair, reasonable, and adequate, and in the best interest of the Settlement Class Members as a whole.

6. My firm has a great deal of experience in wage and hour class action litigation and has been approved as class counsel in a number of class actions.

7. I am one of the primary attorneys on this matter. My qualifications are as follows:
I received my J.D. from University of Southern California Gould School of Law in 2009. Upon

1 graduation, I practiced law as an associate at Seyfarth Shaw LLP, representing corporate clients
2 in both single-plaintiff and wage hour class actions. In 2014, I began as an associate at Diversity
3 Law Group.

4 8. I have been certified as class counsel in a number of cases, including *Diller v.*
5 *Under Armour Retail, Inc.*, Santa Clara County Superior Court Case No. 114-CV-265729, *Dall*
6 *v. Post Alarm Systems*, Los Angeles County Superior Court Case No. BC598528, *Lopez v.*
7 *Imperial Body Shop, Inc.*, Orange County Superior Court Case No. Case No. 30-2015-00816193-
8 CU-OE-CXC, *Hughes v. Lincare, Inc., et al.*, Monterey County Superior Court Case No.
9 M124764, *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case
10 No. CIVDS1823132, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County
11 Superior Court Case No. 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County
12 Superior Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento
13 County Superior Court Case No. 34-2018-00245481-CU-OE-GDS, *Chavez v. Converse, Inc.*,
14 United States District Court – Northern District of California Case No. 15-cv-03746-NC, and
15 *Rodriguez v. Nike Retail Services, Inc.*, United States District Court – Northern District of
16 California Case No. 5:14-CV-1508 BLF.

17 9. To date, I have incurred approximately 150.7 hours in connection with the
18 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
19 to date.

20 10. I also anticipate spending an additional 5 hours conferring and reviewing e-mails
21 and other written communications with counsel for Defendant, the Settlement Administrator, and
22 Settlement Class Members regarding post final approval matters, including payments and related
23 issues.

24 11. The total lodestar for my hours will be approximately \$108,880.00 based on an
25 hourly rate of \$700.00 per hour (155.7 hours x \$700). I have been approved previously at a rate
26 of \$650.00 by various courts, including: *Pittman v. Martinez Steel Corporation*, San Bernardino
27 County Superior Court Case No. CIVDS1823132, *Della Maggiora v. Watsonville Community*
28 *Hospital*, Santa Cruz County Superior Court Case No. 18CV00191, *Randolph v. Pacific Racing*

1 *Association*, Alameda County Superior Court Case No. RG18908139, *Morones v. Bimbo*
2 *Bakeries USA, Inc.*, Sacramento County Superior Court Case No. 34-2018-00245481-CU-OE-
3 GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365;
4 *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144;
5 *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron*
6 *v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v.*
7 *Kline Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867; *Pascual v.*
8 *Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211; *Carrillo v.*
9 *New Balance Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Vogel v.*
10 *Veolia North America, LLC*, Monterey County Superior Court Case No. 19CV001443; *Holman*
11 *v. American Sugar Refining, Inc.*, Contra Costa County Superior Court Case No. MSC18-00415;
12 and *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case
13 No. 15-cv-03746-NC.

14 12. As of January 1, 2022, my hourly rate increased to \$700.00. I have been approved
15 at the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-
16 00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No.
17 CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No.
18 CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-
19 2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano
20 County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*,
21 Fresno Superior Court Case No. 18CECG00265; and *In re: FPI Management Wage and Hour*
22 *Cases*, Los Angeles Superior Court Case No. JCCP5050.

23 **NOTICE TO LWDA**

24 13. Concurrent with the filing of the Motion for Final Approval of Class and
25 Representative Action Settlement, my office uploaded the Motion to the LWDA's website. In
26 addition, my office shall submit to the LWDA a copy of the Court's judgment and order
27 approving the Settlement Agreement within ten (10) days after entry of judgment or order.

28 14. To the extent the Court grants final approval, the Settlement Administrator will

1 post the final judgment on its website.

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct.

4 Executed on this 7th day of July 2023, at Los Angeles, California.

5 
6 _____
Nicholas Rosenthal

EXHIBIT A

Delgado v. Kloeckner Metals
Nicholas Rosenthal Time and Task Chart

Hours	Description of Work
7.4	Factual investigation and review of client documents.
2.2	Legal research prior to preparation of Complaint and LWDA letter.
.7	Draft LWDA Letter
3.5	Draft Complaint
6.6	Draft written discovery to be propounded on Defendant.
8.5	Review written discovery received from Defendant; meet with client; draft responses.
6.6	Review discovery responses and document production received from Defendant.
1.2	Prepare PMK deposition notice.
6.0	Prepare client for deposition.
7.7	Defend client deposition.
14.2	Prepare for and take deposition of PMK witness.
3.1	Communications with Defendant regarding mediation and selection of mediator.
4.1	Review Defendant's informal data production; prepare damages analysis.
8.5	Draft mediation brief.
8.0	Attend mediation.
32.2	Draft Motion for Class Certification and supporting papers.
6.8	Further communication with mediator and Defendant re settlement.
5.7	Draft Settlement Agreement; Confer with Defense Counsel re Settlement Agreement; Revisions to Settlement Agreement.
.6	Draft Stipulation to Remand
11.3	Draft Motion for Preliminary Approval
5.6	Draft Supplemental Motion for Preliminary Approval.
2.3	Revise Settlement Agreement.

6.7	Draft Motion for Final Approval and Accompanying Papers
150.7	TOTAL HOURS