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Attorneys for Plaintiff and the Class

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

09/14/2023 at 04:17:42 PM

By: Anita Dhir,
Deputy Clerk

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

SUNSHINE DEERING, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

ROMAN EMPIRE ABA SERVICES, INC.,
a California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: RG20072383

[Assigned for all purposes to the Hon. Brad
Seligman, Dept. 23]

CLASS ACTION

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

Hearing Information

Date: October 10, 2023

Time: 3:00 p.m.

Dept.: 23

Reservation ID: A-20072383-001

Complaint Filed: September 2, 2020

Trial Date: Not Set

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I, Nicholas Rosenthal, declare 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 Sunshine Deering (“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 proposed settlement meets the criteria for this Court to grant final approval of this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

3. The settlement 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 reviewing class data and information pertaining to relevant policies and practices of Defendant Roman Empire ABA Services, Inc. (“Defendant”).

4. After further negotiations, the Parties reached the present class-wide settlement.

5. Based on Class Counsel's independent investigations and evaluations, I am of the opinion that the proposed settlement is fair, reasonable, and adequate, and is in the best interests of the Class Members, in light of all known facts and circumstances, and the expenses and risks inherent in litigation. The settlement was negotiated at arm's length and was facilitated by an experienced and neutral mediator. Thus, this settlement should be granted final approval.

6. The Notice of Class Action Settlement (“Class Notice”) provided Class Members with my office’s contact information, where they could further seek information regarding the class settlement, information as to how they can opt out or object to the settlement, what rights were affected, how to leave questions for the Settlement Administrator, and update their address.

7. 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.

8. I am one of the primary attorneys on this matter. My qualifications are as follows:

I received my JD from University of Southern California Gould School of Law in 2009. Upon graduation, I practiced law as an associate at Seyfarth Shaw LLP, representing corporate clients in

1 both single-plaintiff and wage hour class actions. In 2014, I began as an associate at Diversity
2 Law Group.

3 9. I have handled a number of wage and hour matters including class actions and
4 multiple-plaintiff actions. I have been named as class counsel in a number of class actions that
5 have been granted certification or preliminary or final approval by the Superior Courts of Los
6 Angeles County, Orange County, Alameda County, and Monterey County, the United States
7 District Court for the Central District of California, and the United States District Court for the
8 Northern District of California. These cases include, but are not limited to: *Naranjo v. Bank of*
9 *America*, Northern District of California Case No. 5:14-cv-02748-LHK, *Chavez v. Converse, Inc.*,
10 Northern District of California Case No. 15-cv-03746-NC, *Rodriguez v. Nike Retail Services,*
11 *Inc.*, Northern District of California Case No. 5:14-cv-01508-BLF, *Figueroa v. Super King*
12 *Market*, Los Angeles Superior Court Case No. BC538372, *Dall v. Post Alarm Systems*, Los
13 Angeles Superior Court Case No. BC598528, *Diller v. Under Armour Retail, Inc.*, Santa Clara
14 County Superior Court Case No. 114-CV-265729, *Dall v. Post Alarm Systems*, Los Angeles
15 County Superior Court Case No. BC598528, *Lopez v. Imperial Body Shop, Inc.*, Orange County
16 Superior Court Case No. Case No. 30-2015-00816193-CU-OE-CXC, and *Hughes v. Lincare, Inc.,*
17 *et al.*, Monterey Superior Court Case No. M124764.

18 10. To date, I have incurred approximately 102.7 hours in connection with the
19 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
20 to date.

21 11. I also anticipate spending an additional 10 hours through the completion of this
22 case to handle any post-approval matters, including conferring and reviewing e-mails and other
23 written communications with counsel for Defendant, the Settlement Administrator, and class
24 members involving post final approval matters, including payments and related issues.

25 12. As such, the total lodestar for my hours will be approximately \$78,890 based on
26 112.7 hours, at an hourly rate of \$700.00 per hour.

27 13. I have been approved previously at a rate of \$650.00 by various courts, including:
28 *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case No.

1 CIVDS1823132, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County
2 Superior Court Case No. 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County
3 Superior Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento
4 County Superior Court Case No. 34-2018-00245481-CU-OE-GDS *Foaad Hanna v. Equinix,*
5 *LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*,
6 Los Angeles County Superior Court Case No. BC720144; *Markham v. Quik Stop Markets, Inc.*,
7 Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court
8 Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino
9 Superior Court Case No. CIVDS1828867; *Pascual v. Satellite Healthcare, Inc.*, Santa Clara
10 County Superior Court Case No. 19CV345211; *Carrillo v. New Balance Athletics, Inc.*, Santa
11 Clara County Superior Court Case No. 19CV352469; *Vogel v. Veolia North America, LLC*,
12 Monterey County Superior Court Case No. 19CV001443; *Holman v. American Sugar Refining,*
13 *Inc.*, Contra Costa County Superior Court Case No. MSC18-00415; and *Chavez v. Converse, Inc.*,
14 United States District Court, Northern District of California Case No. 15-cv-03746-NC.

15
16 14. As of January 1, 2022, my hourly rate increased to \$700.00. I have been approved
17 at the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-
18 00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No.
19 CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No.
20 CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-
21 2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano
22 County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*,
23 Fresno Superior Court Case No. 18CECG00265; *In re: FPI Management Wage and Hour Cases*,
24 Los Angeles Superior Court Case No. JCCP5050; *Delgado v. Kloeckner Metals Corporation*, Los
25 Angeles Superior Court Case No. 20STCV22503; *Jackson v. Samuel, Son & Co. (USA) Inc.*,
26 Riverside County Superior Court Case No. CVRI2101679, *Blanton v. Communications Test*
27 *Design, Inc.*, San Joaquin Superior Court Case No. STK-CV-UOE-2021-0005136; *Diaz v. Acuity*
28 *Brands Lighting, Inc.*, San Bernardino Superior Court Case No. CIVDS2015583; *Flournoy v.*

1 *Partners Personnel – Management Services, LLC*, Riverside County Superior Court Case No.
2 CVRI2102372; *Idian v. VHSD ES INC.*, San Diego Superior Court Case No. 37-2019-00018927-
3 CU-OE-CTL; *Miller v. Stanbridge University*, Orange County Superior Court Case No. 30-2021-
4 01206298-CU-OE-CXC; *Romano v. SSA Terminals, LLC*, Los Angeles Superior Court Case No.
5 20STCV29048; *Wise v. Le Petite Academy, Inc.*, San Joaquin Superior Court Case No., STK-CV-
6 UOE-2021-10561; *Chambers v. SOMACIS, Inc.*, San Diego Superior Court Case No. 37-2021-
7 00033445-CU-OE-CTL; *Johnson v. FS Palo Alto Employment, Inc.*, Santa Clara Superior Court
8 Case No. 21CV389927; *Rodriguez v. U.S. Bank National Association*, Los Angeles Superior
9 Court Case No. BC617356; *Moss v. Sares Regis Operating Company, L.P.*, Orange County
10 Superior Court Case No. 30-2021-01201041-CU-OE-CXC; and *Rodriguez v. City National Bank*,
11 Los Angeles Superior Court Case No. 20STCV29761.

12 15. My firm has incurred costs in the amount of \$10,838.21. The costs are all
13 litigation-related costs, including court filing fees, remote appearance expenses, mediation fees,
14 meal expenses, reproduction and photocopy costs, and postage. Attached hereto as **Exhibit B** is a
15 copy of costs my firm has incurred in connection with the prosecution of this lawsuit.

16 16. Any remaining monies from uncashed settlement checks will be distributed to
17 Legal Aid At Work. Neither I nor any attorney at my firm have any relationship with or
18 connection to said organization.

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

21 Executed on this 13th day of September, 2023, at Los Angeles, California.

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24 Nicholas Rosenthal
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EXHIBIT A

DEERING V. ROMAN EMPIRE ADA SERVICES, INC.
Time and Task Chart for Nicholas Rosenthal

Hours	Description of Work
11.3	Client intake and factual investigation.
3.6	Legal research into potential claims.
1.0	Draft LWDA letter.
5.5	Draft complaint.
6.8	Draft written discovery.
5.0	Review Defendant's discovery responses and document production.
1.4	Meet and confer with Defendant re discovery responses
2.3	Prepare for and attend informal discovery conference with Court re Defendant's discovery responses.
3.5	Communications with Defendant re mediation.
10.7	Draft mediation brief.
8.4	Attend mediation.
7.2	Draft long form settlement agreement.
12.6	Draft Motion for Preliminary Approval and supporting documents; prepare supplemental papers required by Court.
6.3	Draft Motion for Final Approval.
17.1	Communications with client re case status, case documents, procedure and strategy.
Total: 102.7	

EXHIBIT B

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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip Classification Open
Client (hand select) Include: Deering, Sunshine v. Roman
Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
63422	EXP	Olympia	1	75.00	75.00
7/31/2020		Court fees			
WIP		Deering, Sunshine v. Roman			
LWDA					
63990	EXP	Olympia	2	0.25	0.50
8/31/2020		Photocopies			
WIP		Deering, Sunshine v. Roman			
Photocopies					
63991	EXP	Olympia	1	6.90	6.90
8/31/2020		Postage			
WIP		Deering, Sunshine v. Roman			
Postage					
63769	EXP	Olympia	1	1455.00	1455.00
9/2/2020		Court fees			
WIP		Deering, Sunshine v. Roman			
Alameda Fax Filing - Complaint					
64339	EXP	Olympia	1	103.46	103.46
9/9/2020		Atty Service			
WIP		Deering, Sunshine v. Roman			
Attorney Service - Complaint Service					
64408	EXP	Olympia	1	3.00	3.00
10/13/2020		Court fees			
WIP		Deering, Sunshine v. Roman			
Alameda Fax Filing - POS of Summons					
64651	EXP	Olympia	1	13.00	13.00
10/29/2020		Court fees			
WIP		Deering, Sunshine v. Roman			
Alameda Fax Filing - Notice of Complex Determination					
64852	EXP	Olympia	12	0.25	3.00
10/31/2020		Photocopies			
WIP		Deering, Sunshine v. Roman			
Photocopies					

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Slip Listing

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
64853	EXP	Olympia	1	1.40	1.40
10/31/2020		Postage			
WIP		Deering, Sunshine v. Roman			
Postage					
64937	EXP	Olympia	1	5.00	5.00
11/5/2020		Court fees			
WIP		Deering, Sunshine v. Roman			
Alameda Fax Filing - CMS					
65398	EXP	Olympia	20	0.25	5.00
11/30/2020		Photocopies			
WIP		Deering, Sunshine v. Roman			
Photocopies					
65399	EXP	Olympia	1	7.70	7.70
11/30/2020		Postage			
WIP		Deering, Sunshine v. Roman			
Postage					
69248	EXP	Olympia	1	1.56	1.56
9/30/2021		Postage			
WIP		Deering, Sunshine v. Roman			
Postage					
69482	EXP	Olympia	1	10.05	10.05
10/26/2021		Court fees			
WIP		Deering, Sunshine v. Roman			
ACE E Filing - Joint CMS					
70542	EXP	Christine S. Lee	1	9.05	9.05
2/7/2022		Court fees			
WIP		Deering, Sunshine v. Roman			
ACE E Filing - CMS					
71274	EXP	Erika Mejia	1	9.05	9.05
3/29/2022		Court fees			
WIP		Deering, Sunshine v. Roman			
ACE E Filing - CMS					
71442	EXP	Olympia	5	0.25	1.25
3/31/2022		Photocopies			
WIP		Deering, Sunshine v. Roman			
Photocopies					
71443	EXP	Olympia	1	0.53	0.53
3/31/2022		Postage			
WIP		Deering, Sunshine v. Roman			
Postage					

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Slip Listing

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Slip ID Dates and Time Posting Status Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
72226 EXP 6/21/2022 WIP ACE E Filing - Joint CMS	Erika Mejia Court fees Deering, Sunshine v. Roman	1	9.05	9.05
72995 EXP 9/13/2022 WIP ACE E Filing - CMS	Erika Mejia Court fees Deering, Sunshine v. Roman	1	16.85	16.85
73019 EXP 9/16/2022 WIP Lisa Klernan Mediation	Olympia Arbitrators Deering, Sunshine v. Roman	1	8750.00	8750.00
74027 EXP 11/30/2022 WIP Meal	Kristen Agnew Meals Deering, Sunshine v. Roman	1	25.25	25.25
73730 EXP 12/6/2022 WIP ACE E Filing - CMS	Erika Mejia Court fees Deering, Sunshine v. Roman	1	17.85	17.85
74261 EXP 1/24/2023 WIP ACE E Filing - CMS	Erika Mejia Court fees Deering, Sunshine v. Roman	1	17.85	17.85
74717 EXP 3/21/2023 WIP ACE E Filing - CMS	Erika Mejia Court fees Deering, Sunshine v. Roman	1	17.85	17.85
74922 EXP 4/18/2023 WIP ACE E Filing - MPA	Erika Mejia Court fees Deering, Sunshine v. Roman	1	79.65	79.65
75024 EXP 5/2/2023 WIP ACE E Filing - CMS	Erika Mejia Court fees Deering, Sunshine v. Roman	1	17.85	17.85
75202 EXP 5/22/2023 WIP ACE E Filing - CMS	Olympia Court fees Deering, Sunshine v. Roman	1	17.85	17.85

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Slip Listing

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
75210	EXP	Olympia	1	17.85	17.85
5/23/2023		Court fees			
WIP		Deering, Sunshine v. Roman			
ACE E Filing - Supp Brief iso MPA					
75453	EXP	Olympia	1	122.01	122.01
5/23/2023		Atty Service			
WIP		Deering, Sunshine v. Roman			
Attorney Service - Chamber Copy re Supp MPA					
75280	EXP	Olympia	1	17.85	17.85
5/25/2023		Court fees			
WIP		Deering, Sunshine v. Roman			
ACE E Filing - Order Granting MPA					
Grand Total					
			Billable	0.00	10838.21
			Unbillable	0.00	0.00
			Total	0.00	10838.21