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Attorneys for Plaintiff, the Class, and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

JAIME MOEN, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

GENENTECH, INC., a Delaware
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 37-2021-00008619-CU-OE-CTL

(Assigned for all purposes to the Honorable
Katherine A. Bacal, Dept. C-69)

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

Date: March 10, 2023

Time: 1:30 P.M.

Dept.: C-69

Complaint Filed: March 1, 2021

FAC Filed: March 10, 2022

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 Named Plaintiff Jaime Moen (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

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

3. I have been certified as class counsel in a number of cases, including *Diller v. Under Armour Retail, Inc.*, Santa Clara County Superior Court Case No. 114-CV-265729, *Dall v. Post Alarm Systems*, Los Angeles County Superior Court Case No. BC598528, *Lopez v. Imperial Body Shop, Inc.*, Orange County Superior Court Case No. Case No. 30-2015-00816193-CU-OE-CXC, *Hughes v. Lincare, Inc., et al.*, Monterey County Superior Court Case No. M124764, *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.

4. To date, I have incurred approximately 70.5 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.

5. I also anticipate spending an additional 10 hours conferring and reviewing e-mails

1 and other written communications with counsel for Defendant, the Settlement Administrator, and
2 Class Members regarding post final approval matters, including payments and related issues.

3 6. The total lodestar for my hours will be approximately \$56,350.00 based on an
4 hourly rate of \$700.00 per hour (80.5 hours x \$700). I have been approved previously at a rate of
5 \$650.00 by various courts, including: *Pittman v. Martinez Steel Corporation*, San Bernardino
6 County Superior Court Case No. CIVDS1823132, *Della Maggiora v. Watsonville Community*
7 *Hospital*, Santa Cruz County Superior Court Case No. 18CV00191, *Randolph v. Pacific Racing*
8 *Association*, Alameda County Superior Court Case No. RG18908139, *Morones v. Bimbo*
9 *Bakeries USA, Inc.*, Sacramento County Superior Court Case No. 34-2018-00245481-CU-OE-
10 GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365;
11 *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144;
12 *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron*
13 *v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v.*
14 *Kline Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867; *Pascual v.*
15 *Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211; *Carrillo v.*
16 *New Balance Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Vogel v.*
17 *Veolia North America, LLC*, Monterey County Superior Court Case No. 19CV001443; *Holman*
18 *v. American Sugar Refining, Inc.*, Contra Costa County Superior Court Case No. MSC18-00415;
19 and *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case
20 No. 15-cv-03746-NC.

21 7. As of January 1, 2022, my hourly rate increased to \$700.00. I have been approved
22 at the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-
23 00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No.
24 CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No.
25 CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-
26 2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano
27 County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*,
28 Fresno Superior Court Case No. 18CECG00265; and *In re: FPI Management Wage and Hour*

1 Cases, Los Angeles Superior Court Case No. JCCP5050.

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 3rd day of March 2023, at Los Angeles, California.

5 
6 Nicholas Rosenthal

EXHIBIT A

Jaime Moen v. Genentech, Inc.
Time and Task Chart for Nick Rosenthal

Hours	Description of Work
5.5	Review of file, client documents, and pleadings upon assignment to case
1.0	Review court notices, standing rules, and guidelines
10.4	Review and revise settlement agreement and class notice
13.2	Draft, review and revise motion for preliminary approval of settlement and supporting docs
2.0	Review the Court's 7/22 tentative ruling re preliminary approval of settlement; meet and confer regarding same
5.7	Draft, review and revise first supplemental brief for preliminary approval
2.2	Review the Court's second tentative ruling re preliminary approval of settlement; meet and confer regarding same
9.4	Conduct legal research into FLSA issues
7.8	Draft, review and revise second supplemental brief for preliminary approval; further meet and confer with opposing counsel
1.0	Review weekly mailing reports from settlement administrator in connection with final approval
7.6	Draft, review and revise motion for final approval of settlement
1.4	Review the Court's tentative re final approval; meet and confer with Defendant
3.3	Draft, review, and revise supplemental briefing for final approval of settlement and supporting documents
<u>70.5</u>	<u>TOTAL HOURS</u>