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Attorneys for Plaintiff and the Class

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

RAKESH RAY, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

C&W FACILITY SERVICES, INC.,
Massachusetts corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: CIVSB2101321

[Assigned for all purposes to the Hon. David Cohn,
Department S-26]

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

Date: April 5, 2022

Time: 10:00 A.M.

Dept.: S-26

Complaint Filed: January 28, 2021

FAC Filed: April 22, 2021

SAC Filed: October 1, 2021

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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 Rakesh Ray (“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 C&W Facility Services, Inc. (“Defendant”).

4. 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.

5. 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.

6. 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.

7. I am one of the primary attorneys on this matter. My qualifications are as follows: I received my *Juris Doctorate* degree from USC Gould Law School in 2009. Upon graduation, I was employed as an associate for approximately 4 years at Seyfarth Shaw LLP, a national employment defense law firm. While at Seyfarth my practice was exclusively labor & employment defense and

1 I represented numerous corporations in large employment class actions.

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

14 9. To date, I have incurred approximately 43.6 hours in connection with the litigation
15 of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date.

16 10. The total lodestar for my hours will be approximately \$30,520.00 based on an hourly
17 rate of \$700.00 per hour. I have been approved previously at a rate of \$650.00 by various courts,
18 including: *Foad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No.
19 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No.
20 BC720144; *Mary Della Maggiore v. Watsonville Community Hospital*, Santa Cruz County Superior
21 Court Case No. 18CV00191; *Pittman v. Martinez Steel Corporation*, San Bernardino County
22 Superior Court Case No. CIVDS1823132; *Michael Randolph v. Pacific Racing Association*,
23 Alameda County Superior Court Case No. RG18908139; *Markham v. Quik Stop Markets, Inc.*,
24 Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court
25 Case No. 56-2019-005279959-CU-OE-VTA; and *Carter v. Kline Services, Inc.*, San Bernardino
26 Superior Court Case No. CIVDS1828867. As of January 1, 2022, my hourly rate increased to
27 \$700.00. I have been approved at the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego
28 Superior Court Case No. 37-2019-00057065-CU-OE-NC and *Cruzado v. Ontario T, Inc.*, San

1 Bernardino Superior Court Case No. CIVSB2027249.

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

4 Executed on March 11, 2022, at Los Angeles, California.

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6 _____
Nicholas Rosenthal

EXHIBIT A

Ray v. C&W Facility Services, Inc.
Nick Rosenthal Time and Task Chart

Hours	Description of Work
1.3	Review client paystubs.
.6	Draft LWDA letter.
3.2	Draft Complaint.
2.5	Prepare response to “cure” letter submitted by Defendant to LWDA.
1.1	Prepare FAC to be filed.
4.2	Review data provided by Defendant and negotiate settlement.
.6	Prepare SAC to be filed.
10.3	Draft and edit settlement agreement and class notice.
13.3	Prepare Motion for Preliminary Approval.
6.5	Prepare Motion for Final Approval.
43.6	TOTAL HOURS