

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
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiff and the Class

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

PEDRO CORTEZ, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

BG TRUCKING, INC., an California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 37-2021-00010743-CU-OE-CTL

[Assigned for All Purposes to Hon. Joel R.
Wohlfeil, Dept. C-73]

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

Date: November 3, 2023
Time: 9:00 a.m.
Dept.: C-73

Complaint Filed: March 10, 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, counsel of record for Plaintiff Pedro Cortez (“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. I have spent significant time researching and pursuing the claims that have been alleged in this action. Based on my 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.

3. The Joint Stipulation of Class and Representative Action Settlement (“Agreement” or “Settlement Agreement”) was the product of negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. The Parties engaged in arm’s length negotiations at mediation with a highly experienced and known wage-and-hour mediator, Michael J. Loeb, Esq.

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

5. I have handled a number of wage and hour matters including class actions and multiple-plaintiff actions. I have been named as class counsel in a number of class actions that have been granted certification or preliminary or final approval by the Superior Courts of Los Angeles County, Orange County, Alameda County, and Monterey County, the United States District Court for the Central District of California, and the United States District Court for the Northern District of California. These cases include, but are not limited to: *Diller v. Under Armour Retail, Inc.*, Santa Clara County Superior Court Case No. 114-CV-265729, *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 *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; *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 27.90 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 \$19,530 based on 27.90 hours, at an hourly rate of \$700.00 per hour. I have been approved previously at a rate of \$650.00 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-

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

12 8. As of January 1, 2022, my hourly rate increased to \$700.00. I have been approved
13 at the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-
14 00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No.
15 CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No.
16 CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-
17 2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano
18 County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*,
19 Fresno Superior Court Case No. 18CECG00265; *In re: FPI Management Wage and Hour Cases*,
20 Los Angeles Superior Court Case No. JCCP5050; *Delgado v. Kloeckner Metals Corporation*,
21 Los Angeles Superior Court Case No. 20STCV22503; *Jackson v. Samuel, Son & Co. (USA) Inc.*,
22 Riverside County Superior Court Case No. CVRI2101679, *Blanton v. Communications Test*
23 *Design, Inc.*, San Joaquin Superior Court Case No. STK-CV-UOE-2021-0005136; *Diaz v. Acuity*
24 *Brands Lighting, Inc.*, San Bernardino Superior Court Case No. CIVDS2015583; *Flournoy v.*
25 *Partners Personnel – Management Services, LLC*, Riverside County Superior Court Case No.
26 CVRI2102372; *Idian v. VHSD ES INC.*, San Diego Superior Court Case No. 37-2019-00018927-
27 CU-OE-CTL; *Miller v. Stanbridge University*, Orange County Superior Court Case No. 30-2021-
28 01206298-CU-OE-CXC; *Romano v. SSA Terminals, LLC*, Los Angeles Superior Court Case No.

1 20STCV29048; *Wise v. Le Petite Academy, Inc.*, San Joaquin Superior Court Case No., STK-
2 CV-UOE-2021-10561; *Chambers v. SOMACIS, Inc.*, San Diego Superior Court Case No. 37-
3 2021-00033445-CU-OE-CTL; *Johnson v. FS Palo Alto Employment, Inc.*, Santa Clara Superior
4 Court Case No. 21CV389927; *Rodriguez v. U.S. Bank National Association*, Los Angeles
5 Superior Court Case No. BC617356; *Moss v. Sares Regis Operating Company, L.P.*, Orange
6 County Superior Court Case No. 30-2021-01201041-CU-OE-CXC; and *Rodriguez v. City*
7 *National Bank*, Los Angeles Superior Court Case No. 20STCV29761.

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

10 Executed on this 12th day of October 2023, at Los Angeles, California.

11 
12 _____
Nicholas Rosenthal

EXHIBIT A

Nicholas Rosenthal Time and Task Chart

Pedro Cortez v. BG Trucking, Inc.

Superior Court of California, County of San Diego, Case No. 37-2021-00010743-CU-OE-CTL

Hours	Description of Work
2.40	Review memorandum to file re client intake; confer with co-counsel re theories of liability; draft PAGA notice; revise initial class action complaint.
.70	Confer with co-counsel re discovery strategy.
2.20	Review Defendant's Responses to Requests for Production of Documents (Set One) and Responses to Special Interrogatories (Set One); review and respond to email re status of meet and confer efforts.
2.90	Confer with co-counsel re preemption defenses that apply to interstate truck drivers; analyze memorandum to file re same; conduct legal research re same.
10.60	Confer with co-counsel re strategy for mediation and penalties calculation; review and revise mediation statement; attend full-day mediation.
3.20	Review and comment on Joint Stipulation of Class and Representative Action Settlement.
2.80	Revise motion for preliminary approval of settlement and supporting declarations; confer with co-counsel re same.
3.10	Revise motion for final approval and supporting declarations.
27.90	TOTAL HOURS