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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 NICK ROSENTHAL IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: March 24, 2023
Time: 9:00 a.m.
Dept.: C-73

Reservation Number: 2932578

Complaint Filed: March 10, 2021

1 I, Nicholas Rosenthal, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Diversity Law Group, counsel of record for Plaintiff Pedro
4 Cortez ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to testify
5 I could and would do so competently.

6 2. From the inception of the case, Plaintiff's counsel has zealously represented the
7 interests of the putative class. The settlement was obtained for the benefit of the putative class, as
8 opposed to the individual Plaintiff.

9 3. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the
10 fairness of the settlement, which is based on factoring in the inherent risks in drawn-out
11 litigation and the specific risks that a class might not be certified and/or that Plaintiff could fail to
12 establish liability, as well as the possibility of appeals.

13 4. After taking into account sharply disputed factual and legal issues involved in this
14 litigation, the risks attending further prosecution, and the substantial benefits to be received
15 pursuant to the compromise and settlement of the litigation, I have concluded that settlement on
16 the terms set forth in the Joint Stipulation of Class and Representative Action Settlement
17 ("Settlement Agreement") is appropriate and in the best interests of Plaintiff and the putative
18 class.

19 5. My co-counsel and I will adequately represent the Class Members in this action.
20 Plaintiff's Counsel have and will continue to zealously represent Plaintiff and the Class and
21 pursue this lawsuit to its conclusion. I have no conflicts with the Class and will adequately
22 represent the Class.

23 6. I am one of the primary attorneys on this matter. My qualifications are as
24 follows: I received my JD from University of Southern California Gould School of Law in
25 2009. Upon graduation, I practiced law as an associate at Seyfarth Shaw LLP, representing
26 corporate clients in both single-plaintiff and wage hour class actions. In 2014, I began as an
27 associate at Diversity Law Group.

28 7. 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, *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.

8. I do not maintain an interest in and/or a relationship with Legal Aid at Work, the designated *cy pres* recipient.

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

Executed on this 30th day of January, 2023, at Los Angeles, California.



Nicholas Rosenthal