

Larry W. Lee (State Bar No. 228175)
Max W. Gavron (State Bar No. 291697)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
mgavron@diversitylaw.com

Attorneys for Plaintiff and the Class

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

CASSANDRA NEGRETE, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

WINSUPPLY INC., a Delaware
corporation; ORANGE COUNTY
WINDUSTRIAL CO., a Delaware
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 30-2021-01188066-CU-OE-CXC

(Assigned for all purposes to the Hon. Randall J.
Sherman, Dept. CX105)

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

Date: July 14, 2023

Time: 10:00 a.m.

Dept.: CX105

Complaint Filed: March 9, 2021

FAC Filed: April 13, 2022

SAC Filed: January 19, 2023

Trial Date: None Set

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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 Sandra Negrete ("Plaintiff"). I have personal knowledge of the facts set forth below and if called upon I could and would do so competently.

2. The Class Notice provided Class Members with my office's contact information, where they could further seek information regarding the settlement, leave questions for the Settlement Administrator, and update their address.

3. There were no objections to the amount of attorney's fees or litigation costs that Class Counsel seek in this case and for which Plaintiff asks the Court for final approval.

4. The Joint Stipulation of Class Action and PAGA 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 and legal investigation before settling, including reviewing class data. This allowed Plaintiff to conduct a full damage analysis.

5. The settlement in the case at bar warrants approval and carries a presumption of fairness. I support the settlement as fair, reasonable, and adequate, and in the best interest of the Class Members as a whole.

6. My firm has a great deal of experience in wage and hour class action litigation and has been approved as class counsel in a number of class actions.

7. 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.

8. 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*

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

11 9. To date, I have incurred approximately 53.6 hours in connection with the litigation
12 of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date. I
13 also anticipate spending an additional 10 hours following final approval attending to class member
14 calls, corresponding with the administrator, and addressing post-approval filings.

15 10. The total lodestar for my hours, including 10 hours of anticipated time, will be
16 approximately \$44,520.00 based on an hourly rate of \$700.00 per hour (63.6 hours x \$700). I have
17 been approved previously at a rate of \$650.00 by various courts, including: *Pittman v. Martinez*
18 *Steel Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132, *Della*
19 *Maggiore v. Watsonville Community Hospital*, Santa Cruz County Superior Court Case No.
20 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No.
21 RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento County Superior Court Case No.
22 34-2018-00245481-CU-OE-GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior
23 Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court
24 Case No. BC720144; *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No.
25 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-
26 OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867;
27 *Pascual v. Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211;
28 *Carrillo v. New Balance Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469;

1 *Vogel v. Veolia North America, LLC*, Monterey County Superior Court Case No. 19CV001443;
2 *Holman v. American Sugar Refining, Inc.*, Contra Costa County Superior Court Case No. MSC18-
3 00415; and *Chavez v. Converse, Inc.*, United States District Court, Northern District of California
4 Case No. 15-cv-03746-NC.

5 11. As of January 1, 2022, my hourly rate increased to \$700.00. I have been approved at
6 the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-
7 00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No.
8 CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No.
9 CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-
10 2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano County
11 Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*, Fresno
12 Superior Court Case No. 18CECG00265; and *In re: FPI Management Wage and Hour Cases*, Los
13 Angeles Superior Court Case No. JCCP5050.

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

16 Executed on this 21st day of June 2023, at Los Angeles, California.

17 
18 _____
19 Nicholas Rosenthal

EXHIBIT A

Negrete v. Winsupply Inc.
Nicholas Rosenthal Time and Task Chart

Hours	Description of Work
11.9	Evaluation of claims/review of documents from client; conferences with co-counsel regarding anticipated theories of liability and joint employer issue given various entities throughout California.
18.1	Conduct further legal research regarding joint employer issue, including whether parent corporation could be held liable for wage and hour violations even if separate entities conducting business in California; confer with co-counsel re same; conduct research and analyze/review rulings from trial courts regarding joint employer issues to determine chances of success and inform settlement position
1.9	Confer with co-counsel and draft and revise first set of discovery to address joint employer issues.
6.8	Analyze and review data produced by Defendant in advance of mediation to further develop joint employer theory including analysis of how Defendant maintained unified payroll system and the records supporting that allegation
2.3	Further draft and revise mediation brief and confer with counsel re same considering research on joint employment issues.
3.1	Further draft and revise longform settlement agreement and accompanying documents; confer with co-counsel re same.
5.8	Analysis and strategy regarding Court's tentative ruling regarding motion for preliminary approval; confer with co-counsel re same; further draft and revise supplemental briefing.
3.7	Draft and revise motion for final approval; and supporting documents; confer with co-counsel re same.
53.6	TOTAL HOURS