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Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

MELISSA MOSS, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

SARES REGIS OPERATING COMPANY,
L.P.; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 30-2021-01201041-CU-OE-CXC

[Assigned for all purposes to the Hon. William
Claster, Dept. CX104]

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

Date: May 5, 2023

Time: 9:00 a.m.

Dept.: CX104

Complaint Filed: May 17, 2021

FAC Filed: August 16, 2021

SAC Filed: June 21, 2022

Trial Date: None Set

1 **DECLARATION OF NICHOLAS ROSENTHAL**

2 I, Nicholas Rosenthal, declare as follows:

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

7 **FAIRNESS OF THE SETTLEMENT**

8 2. I am one of the primary attorneys on this matter. The Joint Stipulation of Class
9 Action and PAGA Settlement and Release of Claims (“Settlement Agreement”) was the product
10 of negotiation between highly able and experienced attorneys on both sides who possessed the
11 relevant data and extensive legal research which they had carefully analyzed. Class Counsel
12 engaged in extensive factual investigation before settling, including reviewing class data and
13 other information relevant to valuing this case. This allowed Class Counsel to conduct a full
14 damage analysis. I believe that the terms of the Settlement are fair, reasonable, and adequate, and
15 in the best interest of the Class Members as a whole.

16 **ATTORNEY QUALIFICATIONS**

17 3. My qualifications are as follows: I received my *Juris Doctorate* degree from
18 USC Gould Law School in 2009. Upon graduation, I was employed as an associate for
19 approximately 4 years at Seyfarth Shaw LLP, a national employment defense law firm. While at
20 Seyfarth my practice was exclusively labor & employment defense and I represented numerous
21 corporations in large employment class actions.

22 4. I have been certified as class counsel in a number of cases, including *Diller v.*
23 *Under Armour Retail, Inc.*, Santa Clara County Superior Court Case No. 114-CV-265729, *Lopez*
24 *v. Imperial Body Shop, Inc.*, Orange County Superior Court Case No. Case No. 30-2015-
25 00816193-CU-OE-CXC, *Hughes v. Lincare, Inc., et al.*, Monterey County Superior Court Case
26 No. M124764, *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court
27 Case No. CIVDS1823132, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz
28 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..

ATTORNEY'S FEES

5. To date, I have incurred approximately 39.4 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. Additionally, I expect to incur approximately 5 additional hours of attorney time in
finalizing this settlement.

6. The total lodestar for my hours will be approximately \$31,080 based on 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-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.*,

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

10 7. As of January 1, 2022, my hourly rate increased to \$700.00. I have been approved
11 at the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-
12 00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No.
13 CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No.
14 CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-
15 2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano
16 County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*,
17 Fresno Superior Court Case No. 18CECG00265; *In re: FPI Management Wage and Hour Cases*,
18 Los Angeles Superior Court Case No. JCCP5050; *Rodriguez v. U.S. Bank, N.A.*, Los Angeles
19 Superior Court Case No. BC617356; *Goodarzi v. Belmont Village L.P.*, Los Angeles Superior
20 Court Case No. 20STCV15572; *Vernon v. McClane/Suneast, Inc.*, San Bernardino Superior
21 Court Case No. CIVSB2123367; *Clark v. Now Optics, LLC*, San Diego Superior Court Case No.
22 37-2020-00044817-CU-OE-CTL; *Diaz v. Acuity Brands Lighting, Inc.*, San Bernardino Superior
23 Court Case No. CIVDS2015583; *Idian v. VHSD ES, Inc.*, San Diego Superior Court Case No.
24 37-2019-00018927-CU-OE-CTL; and *Romano v. SSA Terminals, LLC*, Los Angeles Superior
25 Court Case No. 20STCV29048.

26 **ATTORNEY'S COSTS**

27 8. My firm has incurred costs in the amount of \$11,125.35. The costs are all
28 litigation-related costs, including filing fees, messenger fees, and copy costs. Attached hereto as

1 **Exhibit B** is copy of the costs my firm has incurred in connection with prosecution of this
2 lawsuit.

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

5 Executed on this 13th day of April 2023, at Los Angeles, California.

6 
7 _____
8 Nicholas Rosenthal

EXHIBIT A

Moss v. Sares Regis Operating Company
Nicholas Rosenthal Time and Task Chart

Hours	Description of Work
5.1	Review case file; legal research into potential claims.
11.3	Review and revise mediation statement; attend mediation.
3.1	Revise and revise Joint Stipulation of Class Action and PAGA Settlement and Release of Claims (“Settlement Agreement”); conference calls with defense counsel re same.
10.2	Draft Motion for Preliminary Approval of Class Action Settlement (“Motion for Preliminary Approval”) and supporting declarations.
3.5	Review and revise Supplemental Statement in Support of Plaintiff’s Motion for Preliminary Approval and my supporting declaration; confer with co-counsel re same.
1.3	Review and revise Amended Joint Stipulation of Class Action and PAGA Settlement and Release of Claims (“Amended Settlement Agreement”).
.7	Review and respond to correspondence from defense counsel and settlement administrator re inquiries from class members.
4.2	Review and revise Motion for Final Approval and supporting declarations.
39.4	TOTAL HOURS

EXHIBIT B

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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip Classification Open
Client (hand select) Include: Moss, Melissa v. Sares
Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
67287	EXP	Olympia	1	6.96	6.96
4/30/2021		Postage			
WIP		Moss, Melissa v. Sares			
Postage					
67106	EXP	Linda Lee	1	75.00	75.00
5/3/2021		Court fees			
WIP		Moss, Melissa v. Sares			
LWDA					
67299	EXP	Erika Mejia	1	1492.00	1492.00
5/18/2021		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - Complaint					
67514	EXP	Olympia	1	99.91	99.91
5/28/2021		Atty Service			
WIP		Moss, Melissa v. Sares			
Attorney Service - Complaint Service					
67530	EXP	Erika Mejia	1	14.67	14.67
6/8/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - POS of Summons					
67639	EXP	Erika Mejia	1	1492.00	1492.00
6/23/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - Complaint					
67859	EXP	Erika Mejia	1	14.67	14.67
7/8/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - Notice of Related Case					
67860	EXP	Erika Mejia	1	14.67	14.67
7/8/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - Notice of Related Case					

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
68217	EXP	Olympia	1	17.76	17.76
7/27/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - Notice					
68497	EXP	Olympia	3	0.25	0.75
7/31/2021		Photocopies			
WIP		Moss, Melissa v. Sares			
Photocopies					
68498	EXP	Olympia	1	0.51	0.51
7/31/2021		Postage			
WIP		Moss, Melissa v. Sares			
Postage					
68499	EXP	Olympia	46	0.25	11.50
7/31/2021		Photocopies			
WIP		Moss, Melissa v. Sares			
Photocopies					
68500	EXP	Olympia	1	10.87	10.87
7/31/2021		Postage			
WIP		Moss, Melissa v. Sares			
Postage					
68392	EXP	Erika Mejia	1	14.67	14.67
8/10/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - FAC					
68450	EXP	Olympia	1	20.59	20.59
8/16/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - Proposed Order					
68535	EXP	Erika Mejia	1	19.82	19.82
8/16/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - Stipulation					
68575	EXP	Erika Mejia	1	20.85	20.85
8/19/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - NOE					
68808	EXP	Olympia	1	0.71	0.71
8/31/2021		Postage			
WIP		Moss, Melissa v. Sares			
Postage					

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
68807	EXP	Olympia	9	0.25	2.25
8/31/2021		Photocopies			
WIP		Moss, Melissa v. Sares			
Photocopies					
69765	EXP	Olympia	1	21.62	21.62
10/4/2021		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - CMS					
69113	EXP	Nick Rosenthal	1	94.00	94.00
10/5/2021		Court fees			
WIP		Moss, Melissa v. Sares			
Courtcall					
69312	EXP	Olympia	1	12.35	12.35
10/13/2021		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - CMS					
70927	EXP	Olympia	1	7000.00	7000.00
3/1/2022		Arbitrators			
WIP		Moss, Melissa v. Sares			
Todd Smith Mediation					
71735	EXP	Kristen Agnew	1	37.51	37.51
3/31/2022		Meals			
WIP		Moss, Melissa v. Sares			
Meal					
72180	EXP	Erika Mejia	1	81.07	81.07
6/13/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - Motion					
72191	EXP	Erika Mejia	1	39.89	39.89
6/13/2022		Court fees			
WIP		Moss, Melissa v. Sares			
One Legal - Stip					
72227	EXP	Erika Mejia	1	19.30	19.30
6/22/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - SAC					
72625	EXP	Olympia	1	7.50	7.50
8/3/2022		Online researc			
WIP		Moss, Melissa v. Sares			
Online OC Superior Minute Order					

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
72760	EXP	Erika Mejia	1	39.89	39.89
8/15/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - Stip and Prop Order					
72805	EXP	Erika Mejia	1	19.30	19.30
8/19/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - NOE Judgment					
72828	EXP	Erika Mejia	1	19.05	19.05
8/23/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - CMS					
73031	EXP	Erika Mejia	1	23.42	23.42
9/21/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - Decis & Supp Brief					
73043	EXP	Erika Mejia	1	19.30	19.30
9/22/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - Decl					
73416	EXP	Erika Mejia	1	19.30	19.30
10/25/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - Supp					
73485	EXP	Erika Mejia	1	20.33	20.33
11/4/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - Proposed Order					
73577	EXP	Olympia	1	21.36	21.36
11/15/2022		Court fees			
WIP		Moss, Melissa v. Sares			
OneLegal - NOE					
74790	EXP	Kristen Agnew	1	300.00	300.00
4/5/2023		Court fees			
WIP		Moss, Melissa v. Sares			
Filing Fees estimated					
Grand Total					
Billable			0.00		11125.35

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Slip Listing

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Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
	Unbillable	0.00		0.00
	Total	0.00		11125.35