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Attorneys for Plaintiff and the Class

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

AMY OROZCO, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

BETTS COMPANY, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 34-2021-00309846

(Assigned to the Hon. Lauri A. Damrell, Dept. 28)

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

Date: October 27, 2023

Time: 9:00 a.m.

Dept.: 28

Complaint Filed: October 15, 2021

FAC Filed: December 27, 2021

SAC Filed: March 9, 2022

Trial Date: Not Set

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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
 nia, and am with the law firm Diversity Law Group, counsel of record for Plaintiff Amy
 (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I
 and would do so competently.

2. The proposed settlement meets the criteria for this Court to grant final approval of the settlement on a class-wide basis, as the settlement is fair, adequate, and reasonable.

3. The Joint Stipulation of Class Action and PAGA Settlement and Release (the “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 an highly respected and known wage-and-hour mediator, Tripper Ortman, Esq.

4. Class Counsel engaged in extensive factual investigation before settling, including use of informal discovery before mediation. In connection with mediation, Class Counsel obtained class data pertaining to the number of putative class members, the hourly rates of pay, number of workweeks, as well as payroll data for the putative class, and pertinent policies regarding vacation and rest periods, Opt-Out pay, and sick leave. Class Counsel subsequently evaluated and quantified the potential class and PAGA penalties available in this case.

5. I have spent significant time researching and pursuing the claims that have been in this action. Based on my independent investigations and evaluations, I am of the opinion 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.

6. The Court preliminary approved this settlement on July 14, 2023, directing the filing of the Notice of Class Action Settlement (“Notice Packet”) and scheduling the hearing for the Court’s final approval of the settlement (the “Preliminary Approval Order”). As directed by the Court,

1 the Settlement Administrator selected by the Parties – Phoenix Settlement Administrators –
2 distributed the Notice Packet to 75 Class Members. Class Counsel believes that the positive results
3 after mailing of the Notice Packet support confirmation of the Court’s preliminary approval of the
4 settlement with final approval of the settlement. The settlement has a significantly high
5 participation rate of 100%. In light of this positive response from Class Members, an inference can
6 be made that the Class supports the Court’s Preliminary Approval Order finding that the Settlement
7 Agreement is fair and reasonable.

8 7. There were no objections to the amount of attorneys’ fees or litigation costs that
9 Class Counsel seek in this case and for which Plaintiff asks the Court for final approval.

10 8. Timely notice of the PAGA settlement was provided to the California Labor and
11 Workforce Development Agency (“LWDA”) pursuant to Cal. Lab. Code section 2699(1)(2) and no
12 objections to the settlement by the LWDA were received by Plaintiff’s counsel.

13 9. Any remaining monies from uncashed settlement checks will be distributed to the cy
14 pres recipient Boys and Girls Club of Fresno County, in accordance with C.C.P. § 384. I do not
15 have any affiliation with the Boys and Girls Club of Fresno County.

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

21 11. I have handled a number of wage and hour matters including class actions and
22 multiple-plaintiff actions. I have been named as class counsel in a number of class actions that have
23 been granted certification or preliminary or final approval by the Superior Courts of Los Angeles
24 County, Orange County, Alameda County, and Monterey County, the United States District Court
25 for the Central District of California, and the United States District Court for the Northern District
26 of California. These cases include, but are not limited to: *Diller v. Under Armour Retail, Inc.*, Santa
27 Clara County Superior Court Case No. 114-CV-265729, *Lopez v. Imperial Body Shop, Inc.*, Orange
28 County Superior Court Case No. Case No. 30-2015-00816193-CU-OE-CXC, *Hughes v. Lincare*,

1 *Inc., et al.*, Monterey County Superior Court Case No. M124764, *Pittman v. Martinez Steel*
2 *Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132, *Della Maggiora v.*
3 *Watsonville Community Hospital*, Santa Cruz County Superior Court Case No. 18CV00191,
4 *Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139,
5 *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento County Superior Court Case No. 34-2018-
6 00245481-CU-OE-GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case
7 No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No.
8 BC720144; *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No.
9 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-
10 OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867,
11 *Pascual v. Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211;
12 *Carrillo v. New Balance Athletics, Inc.*, Santa Clara County Superior Court Case No. 19CV352469;
13 *Vogel v. Veolia North America, LLC*, Monterey County Superior Court Case No. 19CV001443;
14 *Holman v. American Sugar Refining, Inc.*, Contra Costa County Superior Court Case No. MSC18-
15 00415; *Chavez v. Converse, Inc.*, United States District Court – Northern District of California Case
16 No. 15-cv-03746-NC, and *Rodriguez v. Nike Retail Services, Inc.*, United States District Court –
17 Northern District of California Case No. 5:14-CV-1508 BLF.

18 12. To date, I have incurred approximately 73.6 hours in connection with the litigation
19 of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date.

20 13. As such, the total lodestar for my hours will be approximately \$51,520.00 based on
21 73.6 hours, at an hourly rate of \$700.00 per hour.

22 14. I have been approved previously at a rate of \$650.00 by various courts, including:
23 *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case No.
24 CIVDS1823132, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County Superior
25 Court Case No. 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County Superior
26 Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento County Superior
27 Court Case No. 34-2018-00245481-CU-OE-GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara
28 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; and *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-03746-NC.

15. As of January 1, 2022, my hourly rate increased to \$700.00. I have been approved at the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No. CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No. CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*, Fresno Superior Court Case No. 18CECG00265; *In re: FPI Management Wage and Hour Cases*, Los Angeles Superior Court Case No. JCCP5050; *Delgado v. Kloeckner Metals Corporation*, Los Angeles Superior Court Case No. 20STCV22503; *Jackson v. Samuel, Son & Co. (USA) Inc.*, Riverside County Superior Court Case No. CVRI2101679, *Blanton v. Communications Test Design, Inc.*, San Joaquin Superior Court Case No. STK-CV-UOE-2021-0005136; *Diaz v. Acuity Brands Lighting, Inc.*, San Bernardino Superior Court Case No. CIVDS2015583; *Flournoy v. Partners Personnel – Management Services, LLC*, Riverside County Superior Court Case No. CVRI2102372; *Idian v. VHSD ES INC.*, San Diego Superior Court Case No. 37-2019-00018927-CU-OE-CTL; *Miller v. Stanbridge University*, Orange County Superior Court Case No. 30-2021-01206298-CU-OE-CXC; *Romano v. SSA Terminals, LLC*, Los Angeles Superior Court Case No. 20STCV29048; *Wise v. Le Petite Academy, Inc.*, San Joaquin Superior Court Case No., STK-CV-UOE-2021-10561; *Chambers v. SOMACIS, Inc.*, San Diego Superior Court Case No. 37-2021-

1 00033445-CU-OE-CTL; *Johnson v. FS Palo Alto Employment, Inc.*, Santa Clara Superior Court
2 Case No. 21CV389927; *Rodriguez v. U.S. Bank National Association*, Los Angeles Superior Court
3 Case No. BC617356; *Moss v. Sares Regis Operating Company, L.P.*, Orange County Superior
4 Court Case No. 30-2021-01201041-CU-OE-CXC; and *Rodriguez v. City National Bank*, Los
5 Angeles Superior Court Case No. 20STCV29761.

6 16. My office has incurred costs in the amount of \$10,270.18. The costs are all litigation
7 related costs, including filing and service fees, mediation costs, CourtCall fees, and postage fees.
8 Attached hereto as **Exhibit B** is copy of the costs incurred in connection with prosecution of this
9 lawsuit.

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

12 Executed on this 5th day of October 2023, at Los Angeles, California.

13 

14 _____
Nicholas Rosenthal

EXHIBIT A

OROZCO V. BETTS COMPANY
Time and Task Chart for Nicholas Rosenthal

Hours	Description of Work
3.7	Client intake and factual investigation.
3.0	Legal research into potential claims.
1.0	Draft LWDA letter.
5.5	Draft complaint.
2.9	Communications with Defendant re mediation; prepare data request.
8.4	Draft mediation brief.
7.9	Attend mediation.
7.2	Draft long form settlement agreement.
10.6	Draft Motion for Preliminary Approval and supporting documents; prepare supplemental papers required by Court.
6.3	Draft Motion for Final Approval.
17.1	Communications with client re case status, case documents, procedure and strategy.
Total: 73.6	

EXHIBIT B

10/5/2023
10:29 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Orozco, Amy v. Betts
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		
69049	EXP	Linda Lee	1	75.00	75.00
9/27/2021		Court fees			
WIP		Orozco, Amy v. Betts			
LWDA					
69280	EXP	Olympia	1	7.33	7.33
9/30/2021		Postage			
WIP		Orozco, Amy v. Betts			
Postage					
69594	EXP	Christine S. Lee	1	1669.09	1669.09
10/15/2021		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - Complaint					
69932	EXP	Olympia	1	157.75	157.75
11/4/2021		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - Complaint Service					
69939	EXP	Olympia	1	157.75	157.75
11/8/2021		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - Complaint Service					
69971	EXP	Olympia	1	56.71	56.71
11/17/2021		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - POS					
69977	EXP	Olympia	1	56.21	56.21
11/18/2021		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - Notice of Complex					
69988	EXP	Olympia	1	94.27	94.27
11/23/2021		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - Notice of CMC					

10/5/2023
10:29 AM

DIVERSITY LAW GROUP
Slip Listing

Page 2

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		
70042	EXP	Olympia	16	0.25	4.00
11/30/2021		Photocopies			
WIP		Orozco, Amy v. Betts			
Photocopies					
70043	EXP	Olympia	1	1.79	1.79
11/30/2021		Postage			
WIP		Orozco, Amy v. Betts			
Postage					
70323	EXP	Christine S. Lee	1	541.71	541.71
12/27/2021		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - FAC					
70375	EXP	Olympia	1	1.56	1.56
12/31/2021		Postage			
WIP		Orozco, Amy v. Betts			
Postage					
70627	EXP	Olympia	1	56.21	56.21
1/26/2022		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - Notice					
70869	EXP	Olympia	6	0.25	1.50
1/31/2022		Photocopies			
WIP		Orozco, Amy v. Betts			
Photocopies					
70870	EXP	Olympia	1	0.73	0.73
1/31/2022		Postage			
WIP		Orozco, Amy v. Betts			
Postage					
71061	EXP	Olympia	1	128.02	128.02
2/22/2022		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - Joint Stip					
71364	EXP	Olympia	1	69.21	69.21
3/9/2022		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - SAC & NOE					
72170	EXP	Erika Mejia	1	59.21	59.21
5/26/2022		Atty Service			
WIP		Orozco, Amy v. Betts			
Attorney Service - CMS					

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DIVERSITY LAW GROUP
Slip Listing

Page 3

Slip ID Dates and Time Posting Status Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
72251 EXP 6/24/2022 WIP Ortman Mediation	Olympia Arbitrators Orozco, Amy v. Betts	1	6500.00	6500.00
73394 EXP 9/14/2022 WIP Meal	Larry W. Lee Meals Orozco, Amy v. Betts	1	12.04	12.04
73899 EXP 9/14/2022 WIP Meal	Kristen Agnew Meals Orozco, Amy v. Betts	1	37.86	37.86
73319 EXP 9/28/2022 WIP Attorney Service - CMS	Erika Mejia Atty Service Orozco, Amy v. Betts	1	92.27	92.27
75050 EXP 4/4/2023 WIP Attorney Service - Joint CMS	Erika Mejia Atty Service Orozco, Amy v. Betts	1	84.74	84.74
75063 EXP 4/13/2023 WIP Attorney Service - MPA	Erika Mejia Atty Service Orozco, Amy v. Betts	1	259.24	259.24
75656 EXP 6/23/2023 WIP Attorney Service - POS	Erika Mejia Atty Service Orozco, Amy v. Betts	1	82.24	82.24
75861 EXP 7/20/2023 WIP Attorney Service - NOE	Olympia Atty Service Orozco, Amy v. Betts	1	63.74	63.74
Grand Total	Billable Unbillable Total	0.00 0.00 0.00		10270.18 0.00 10270.18