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Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

JOHN COOK, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

APPLE INC., a California corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No. 34-2021-00311177-CU-OE-GDS

(Assigned to the Hon. Lauri A. Damrell, Dept. 22)

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

Date: March 29, 2024

Time: 9:00 a.m.

Dept.: 22

Complaint Filed: November 17, 2021

FAC Filed: May 18, 2023

Trial Date: Not Set

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I, Nicholas Rosenthal, declare as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of
 nia and am a member of the law firm of the Diversity Law Group, P.C., one of the attorneys
 rd for Plaintiff John Cook (“Plaintiff”) in the above-entitled action. I have personal knowledge
 matters set forth herein, and if called upon as a witness to testify thereto, I could and would
 ently do so.

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

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

4. The Joint Stipulation of Class and Representative Action Settlement (“Agreement” or “Settlement Agreement”) was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and legal research which they had carefully reviewed. Class Counsel engaged in extensive factual 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

6. As previously noted in the application for preliminary approval, this current settlement was

7. ted at arm's length. I support the settlement as fair, reasonable, and adequate, and in the best

8. of the Settlement Class Members as a whole.

6. Defendant asserts that individualized issues predominate in this case, including without limitation, whether Defendant provided accurate wage statements in compliance with the law. I believe that a class can be certified; however, I also believe in the fairness of the settlement that is being proposed, factoring in the uncertainty and risks to Plaintiff involved in not prevailing on one or more of the causes of action or theories alleged in the operative Complaint, the possibility of non-settlement, and potential for appeals.

7. I am one of the primary attorneys on this matter. My qualifications are as follows: I

1 received my JD from University of Southern California Gould School of Law in 2009. Upon
2 graduation, I practiced law as an associate at Seyfarth Shaw LLP, representing corporate clients in
3 both single-plaintiff and wage hour class actions. In 2014, I began as an associate at Diversity Law
4 Group.

5 8. I have handled a number of wage and hour matters including class actions and
6 multiple-plaintiff actions. I have been named as class counsel in a number of class actions that have
7 been granted certification or preliminary or final approval by the Superior Courts of Los Angeles
8 County, Orange County, Alameda County, and Monterey County, the United States District Court for
9 the Central District of California, and the United States District Court for the Northern District of
10 California. These cases include, but are not limited to: *Pittman v. Martinez Steel Corporation*, San
11 Bernardino County Superior Court Case No. CIVDS1823132, *Della Maggiora v. Watsonville*
12 *Community Hospital*, Santa Cruz County Superior Court Case No. 18CV00191, *Randolph v. Pacific*
13 *Racing Association*, Alameda County Superior Court Case No. RG18908139, *Morones v. Bimbo*
14 *Bakeries USA, Inc.*, Sacramento County Superior Court Case No. 34-2018-00245481-CU-OE-GDS
15 *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia*
16 *Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144; *Markham v. Quik*
17 *Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*,
18 Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*,
19 San Bernardino Superior Court Case No. CIVDS1828867; *Pascual v. Satellite Healthcare, Inc.*,
20 Santa Clara County Superior Court Case No. 19CV345211; *Carrillo v. New Balance Athletics, Inc.*,
21 Santa Clara County Superior Court Case No. 19CV352469; *Vogel v. Veolia North America, LLC*,
22 Monterey County Superior Court Case No. 19CV001443; *Holman v. American Sugar Refining, Inc.*,
23 Contra Costa County Superior Court Case No. MSC18-00415; and *Chavez v. Converse, Inc.*, United
24 States District Court, Northern District of California Case No. 15-cv-03746-NC; *Gutierrez v. Spa*
25 *Havens, LP*, San Diego Superior Court Case No. 37-2019-00057065-CU-OE-NC; *Cruzado v.*
26 *Ontario T, Inc.*, San Bernardino Superior Court Case No. CIVSB2027249; *Ray v. C&W Facility*
27 *Services, Inc.*, San Bernardino Superior Court Case No. CIVSB2101321; *Alvarez v. Forterra*
28 *Building Products*, San Diego Superior Court Case No. 37-2020-00018179-CU-OE-CTL; *Dunn v.*

1 *Universal Plant Services of California, Inc.*, Solano County Superior Court Case No. FCS056134,
2 *Pulido v. Georgia-Pacific Corrugated III LLC*, Fresno Superior Court Case No. 18CECG00265; and
3 *In re: FPI Management Wage and Hour Cases*, Los Angeles Superior Court Case No. JCCP5050.

4 9. To date, I have incurred approximately 83.3 hours in connection with the litigation of
5 this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date.

6 10. As of January 1, 2024, my hourly rate in class and representative actions is \$800.00 per
7 hour. Accordingly, the total lodestar for my hours will be approximately \$66,640.00 (83.3 hours x
8 \$800). I was approved at an hourly rate of \$800 in the matter of *Robert Jordan v. Mondelez Global*
9 *LLC*, San Bernardino Superior Court Case No. CIVSB2202758.

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

25 12. My firm has incurred costs in the amount of \$15,565.84. The costs are all litigation
26 related costs, including filing fees, messenger costs, mediation fees, and other costs. Attached hereto
27 as **Exhibit B** is copy of the costs my firm has incurred in connection with prosecution of this lawsuit.
28

1 13. Concurrent with the filing of Plaintiff's Motion, my office provided notice to the Labor
2 and Workforce Development Agency.

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

5 Executed on this 6th day of March 2024, at Los Angeles, California.

6
7 
8 Nicholas Rosenthal

EXHIBIT A

John Cook v. Apple, Inc.
Nick Rosenthal Time and Task Chart

Hours	Description of Work
6.8	Factual investigation and review of documents.
1.3	Draft LWDA letter.
8.0	Draft Complaint.
5.6	Draft written discovery.
4.0	Communications with Defendant re: mediation.
1.6	Prepare data request.
3.5	Review data produced by Defendant and perform damages analysis.
13.5	Draft mediation brief.
9.4	Attend mediation.
7.2	Draft settlement agreement.
2.4	Revisions to settlement agreement.
1.1	Draft FAC.
10.7	Draft Motion for Preliminary Approval and supporting documents.
.6	Review class notice response data.
.8	Communicate with Administrator re: declaration.
6.8	Draft Motion for Final Approval.
83.3	TOTAL HOURS

EXHIBIT B

2/28/2024
3:19 PM

DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip Classification Open
Client (hand select) Include: Cook, John v. Apple CA
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		
69697	EXP	Mariana Becerra	1	75.00	75.00
11/8/2021		Court fees			
WIP		Cook, John v. Apple CA			
LWDA					
69952	EXP	Olympia	1	1636.71	1636.71
11/11/2021		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - Complaint					
70011	EXP	Olympia	1	0.25	0.25
11/30/2021		Photocopies			
WIP		Cook, John v. Apple CA			
Photocopies					
70012	EXP	Olympia	1	7.33	7.33
11/30/2021		Postage			
WIP		Cook, John v. Apple CA			
Postage					
70564	EXP	Christine S. Lee	1	94.60	94.60
1/6/2022		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - Complaint Service					
70587	EXP	Christine S. Lee	1	57.21	57.21
1/12/2022		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - POS of Summons					
71072	EXP	Olympia	1	58.71	58.71
2/25/2022		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - Notice					
71130	EXP	Olympia	5	0.25	1.25
2/28/2022		Photocopies			
WIP		Cook, John v. Apple CA			
Photocopies					

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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		
71131	EXP	Olympia	1	2.09	2.09
2/28/2022		Postage			
WIP		Cook, John v. Apple CA			
Postage					
72381	EXP	Olympia	1	63.21	63.21
6/7/2022		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - Notice of CMC					
72499	EXP	Olympia	14	0.25	3.50
6/30/2022		Photocopies			
WIP		Cook, John v. Apple CA			
Photocopies					
72500	EXP	Olympia	1	1.56	1.56
6/30/2022		Postage			
WIP		Cook, John v. Apple CA			
Postage					
73182	EXP	Olympia	1	13000.00	13000.00
10/5/2022		Arbitrators			
WIP		Cook, John v. Apple CA			
Ortman Mediation					
74637	EXP	Kristen Agnew	1	32.49	32.49
1/5/2023		Meals			
WIP		Cook, John v. Apple CA			
Meal					
75438	EXP	Erika Mejia	1	92.74	92.74
5/12/2023		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - Stip to file FAC					
75468	EXP	Erika Mejia	1	63.74	63.74
5/31/2023		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - NOE					
76136	EXP	Erika Mejia	1	245.74	245.74
8/10/2023		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - MPA					
76288	EXP	Erika Mejia	1	68.24	68.24
9/6/2023		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - Supp Decl					

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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		
76300	EXP	Erika Mejia	1	47.77	47.77
9/14/2023		Atty Service			
WIP		Cook, John v. Apple CA			
Attorney Service - CMS					
77277	EXP	Olympia	1	13.70	13.70
1/22/2024		Court fees			
WIP		Cook, John v. Apple CA			
ACE E Filing - Notice of Dept Relocation					
Grand Total					
			Billable	0.00	15565.84
			Unbillable	0.00	0.00
			Total	0.00	15565.84