

B. James Fitzpatrick (SBN: 129056)
Laura L. Franklin (SBN: 282642)
FITZPATRICK & SWANSTON
555 S. Main Street
Salinas, CA 93901
Telephone: (831) 755-1311
Facsimile: (831) 755-1319

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
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
kagnew@diversitylaw.com
nrosenthal@diversitylaw.com

Attorneys for Plaintiff,
HEA YON SUZZIE DORN, on behalf of herself and all other similarly situated employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

HEA YON SUZZIE DORN, on behalf of
herself and all similarly aggrieved
employees,

Plaintiff,

v.

CENTRAL COAST FEDERAL CREDIT
UNION; and DOES 1 through 50, inclusive,

Defendants.

Case No. 22CV000335

(Assigned to the Honorable Thomas W. Wills,
Dept. 15)

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

Date: March 8, 2024

Time: 8:30 a.m.

Dept.: 15

Complaint Filed: February 3, 2022

Trial Date: Not Set

1 areas. My office is not involved in any governance or operations of Watsonville Law Center.

2 5. **Class Representative:** When taken as a whole, the benefits afforded to the Class
3 outweighed the risks. Therefore, the settlement now presented to the Court for final approval
4 was negotiated in good faith and at arm's length. Counsel for the Parties were thoroughly
5 versed with the factual and legal issues of this litigation. Extensive formal and informal
6 discovery and analysis were done in preparation for the mediation. Class Counsel had a
7 detailed understanding of the case and understood the strengths and weaknesses of the
8 Plaintiff's claims.

9 6. As a direct result of Plaintiff's efforts, all Class Members now stand to benefit
10 from the settlement which Plaintiff helped to achieve. Plaintiff has served effectively
11 throughout the duration of her role as the Class Representative and without her, this class
12 action, which has benefitted over 80 employees, would most likely have never come to
13 fruition. Thus, I support the award of a service payment to Plaintiff for serving as the Class
14 Representative. The service payment is fair, reasonable, appropriate, and commensurate with
15 the contributions and the risks taken.

16 7. I have worked on this case since its inception. I am familiar with all aspects of
17 this case. As set forth in the attached summary of tasks performed in this litigation, Diversity
18 Law Group and Fitzpatrick & Swanston have devoted significant time and advanced
19 significant costs in prosecuting this matter.

20 8. Class Counsel's application for an award of attorneys' fees in the amount of
21 \$100,000.00 and reimbursement of litigation costs in the amount of \$7,287.95 is reasonable
22 and fair. These amounts are well within what is reasonable and customary in both wage and
23 hour settlements and class action settlements in general and is based on the skill displayed by
24 Class Counsel, the effort and resources invested in this case by Class Counsel, the factual and
25 legal complexities of this case, the importance of the interests which are the subject of this
26 litigation, the risks undertaken by Class Counsel, and the degree of success achieved by Class
27 Counsel.

28 9. To date, I have incurred approximately 57.6 hours in connection with the

1 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have
2 incurred to date.

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

7 11. I have handled a number of wage and hour matters including class actions and
8 multiple-plaintiff actions. I have been named as class counsel in a number of class actions that
9 have been granted certification or preliminary or final approval by the Superior Courts of Los
10 Angeles County, Orange County, Alameda County, and Monterey County, the United States
11 District Court for the Central District of California, and the United States District Court for the
12 Northern District of California. These cases include, but are not limited to: *Naranjo v. Bank of*
13 *America*, Northern District of California Case No. 5:14-cv-02748-LHK, *Chavez v. Converse,*
14 *Inc.*, Northern District of California Case No. 15-cv-03746-NC, *Rodriguez v. Nike Retail*
15 *Services, Inc.*, Northern District of California Case No. 5:14-cv-01508-BLF, *Figueroa v.*
16 *Super King Market*, Los Angeles Superior Court Case No. BC538372, *Dall v. Post Alarm*
17 *Systems*, Los Angeles Superior Court Case No. BC598528, *Diller v. Under Armour Retail,*
18 *Inc.*, Santa Clara County Superior Court Case No. 114-CV-265729, *Dall v. Post Alarm*
19 *Systems*, Los Angeles County Superior Court Case No. BC598528, *Lopez v. Imperial Body*
20 *Shop, Inc.*, Orange County Superior Court Case No. Case No. 30-2015-00816193-CU-OE-
21 CXC, and *Hughes v. Lincare, Inc., et al.*, Monterey Superior Court Case No. M124764.

22 12. The total lodestar for my hours will be approximately \$46,080 based on an
23 hourly rate of \$800.00 per hour. My rate increased to \$800 per hour on January 1, 2024.
24 Previously, my rate was \$700.00 per hour. I have been approved at the \$700.00 rate in
25 *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-00057065-CU-OE-
26 NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No. CIVSB2027249;
27 *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No. CIVSB2101321;
28 *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-2020-

1 00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano County
2 Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*, Fresno
3 Superior Court Case No. 18CECG00265; and *In re: FPI Management Wage and Hour Cases*,
4 Los Angeles Superior Court Case No. JCCP5050.

5 13. Should the Court in its discretion choose to apply an hourly rate of \$550.00, my
6 lodestar for this matter will be \$31,680.

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

9 Executed on this 14th day of February 2024, at Los Angeles, California.

10 
11 _____
Nicholas Rosenthal

EXHIBIT A

Dorn v. Central Coast Federal Credit Union
Nicholas Rosenthal Time and Task Chart

Hours	Description of Work
3.6	Review intake file and client documents.
2.3	Prepare written discovery.
1.7	Review Defendant's written discovery responses.
1.9	Communications with opposing counsel re mediation and selection of mediator.
9.6	Draft mediation brief.
8.3	Attend mediation.
6.0	Draft long-form settlement agreement.
8.2	Draft Motion for Preliminary Approval and supporting papers.
1.5	Communications with opposing counsel re additional pay periods.
2.5	Revise long-form settlement agreement in light of additional pay periods.
3.1	Draft <i>ex parte</i> re amendment to long-form settlement agreement.
1.0	Attend <i>ex parte</i> re amendment to long-form settlement agreement.
7.9	Draft Motion for Final Approval and supporting papers.
57.6	TOTAL HOURS