

1 B. James Fitzpatrick (SBN: 129056)
2 Alison L. Baker (SBN: 193601)
3 FITZPATRICK & SWANSTON
4 555 S. Main Street
5 Salinas, CA 93901
6 Telephone: (831) 755-1311
7 Facsimile: (831) 755-1319

8 Larry W. Lee (SBN: 228175)
9 Kristen Agnew (SBN: 247656)
10 Nick Rosenthal (SBN: 268297)
11 DIVERSITY LAW GROUP, P.C.
12 515 South Figueroa Street, Suite 1250
13 Los Angeles, California 90071
14 Telephone: (213) 488-6555
15 Facsimile (213) 488-6554

16 Attorneys for Plaintiffs, the Class, and Aggrieved Employees

17
18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF MONTEREY**
20

21 LORENA RAMIREZ, on behalf of herself
22 and all similarly aggrieved employees,

23 Plaintiff,

24 v.

25 COVENANT SURGICAL PARTNERS,
26 INC.; SALINAS ENDOSCOPY CENTER,
27 LLC; AND DOES 1 through 50, inclusive,

28 Defendants.

Case No.: 22CV000081

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

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

Date: July 14, 2023
Time: 8:30 a.m.
Dept.: 15

Complaint Filed: January 10, 2022
Trial Date: None

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I, Nicholas Rosenthal, declare as follows:

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, counsel of record for Plaintiffs Lorena Ramirez and Teresa Martinez (“Plaintiffs”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I am one of the primary attorneys on this matter. Based on my own independent investigation and evaluation, I am of the opinion that settlement for the consideration and on the terms set forth in the Joint Stipulation of Class Action Settlement (“Settlement Agreement” or “Agreement”) is fair, reasonable, and adequate and is in the best interests of the Class, in light of all known facts and circumstances and the expenses and risks inherent in litigation.

3. Any remaining monies from uncashed settlement checks will be distributed to Legal Aid at Work and California Rural Legal Assistance, Inc. I do not have an interest, financial or otherwise, in either organization.

4. My qualifications are as follows: I received my JD 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.

5. I have handled a number of wage and hour matters including class actions and multiple-plaintiff actions. I have been named as Class Counsel in a number of class actions that have been granted certification or preliminary or final approval by the Superior Courts of Los Angeles County, Orange County, Alameda County, and Monterey County, the United States District Court for the Central District of California, and the United States District Court for the Northern District of California. These cases include, but are not limited to: *Diller v. Under Armour Retail, Inc.*, Santa Clara County Superior Court Case No. 114-CV-265729, *Dall v. Post Alarm Systems*, Los Angeles County Superior Court Case No. BC598528, *Lopez v. Imperial Body Shop, Inc.*, Orange County Superior Court Case No. Case No. 30-2015-00816193-CU-OE-CXC, *Hughes v. Lincare, Inc., et al.*, Monterey County Superior Court Case No. M124764,

1 *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case No.
2 CIVDS1823132, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County
3 Superior Court Case No. 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County
4 Superior Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento
5 County Superior Court Case No. 34-2018-00245481-CU-OE-GDS, *Chavez v. Converse, Inc.*,
6 United States District Court – Northern District of California Case No. 15-cv-03746-NC, and
7 *Rodriguez v. Nike Retail Services, Inc.*, United States District Court – Northern District of
8 California Case No. 5:14-CV-1508 BLF.

9 6. My co-counsel and I will adequately represent the Class Members in this action.
10 Plaintiff's Counsel have and will zealously represent Plaintiff and the Class and pursue this
11 lawsuit to its conclusion. I have no conflicts with the Class and will adequately represent the
12 Class.

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

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

16 

17 _____
18 Nicholas Rosenthal
19
20
21
22
23
24
25
26
27
28