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

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

Plaintiff,

v.

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

Defendants.

Case No.: 22CV000081

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

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

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

Complaint Filed: January 10, 2022
Trial Date: None

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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 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. 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.

4. 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, *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

1 Superior Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento
2 County Superior Court Case No. 34-2018-00245481-CU-OE-GDS, *Chavez v. Converse, Inc.*,
3 United States District Court – Northern District of California Case No. 15-cv-03746-NC, and
4 *Rodriguez v. Nike Retail Services, Inc.*, United States District Court – Northern District of
5 California Case No. 5:14-CV-1508 BLF.

6 5. To date, I have incurred approximately 132.70 hours in connection with the
7 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
8 to date. I expect to spend additional time finalizing this settlement, including preparing for the
9 approval hearing, reviewing data provided by Defendant to Settlement Administrator, conferring
10 with Settlement Administrator regarding distribution of payment to Settlement Class Members,
11 and fielding phone calls regarding inquiries about the Settlement.

12 6. My hourly rate in class and representative actions is \$700. However, in this
13 motion, I request a reduced hourly rate of \$595.00. Accordingly, the total lodestar for my hours
14 will be approximately \$78,956.50 (132.70 hours x \$595).

15 7. I have been approved previously at a rate of \$650.00 by various courts, including:
16 *Pittman v. Martinez Steel Corporation*, San Bernardino County Superior Court Case No.
17 CIVDS1823132, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz County
18 Superior Court Case No. 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County
19 Superior Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento
20 County Superior Court Case No. 34-2018-00245481-CU-OE-GDS *Foaad Hanna v. Equinix,*
21 *LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*,
22 Los Angeles County Superior Court Case No. BC720144; *Markham v. Quik Stop Markets, Inc.*,
23 Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior
24 Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San
25 Bernardino Superior Court Case No. CIVDS1828867; *Pascual v. Satellite Healthcare, Inc.*,
26 Santa Clara County Superior Court Case No. 19CV345211; *Carrillo v. New Balance Athletics,*
27 *Inc.*, Santa Clara County Superior Court Case No. 19CV352469; *Vogel v. Veolia North America,*
28 *LLC*, Monterey County Superior Court Case No. 19CV001443; *Holman v. American Sugar*

1 *Refining, Inc.*, Contra Costa County Superior Court Case No. MSC18-00415; and *Chavez v.*
2 *Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-
3 03746-NC.

4 8. As of January 1, 2022, my hourly rate increased to \$700.00. I have been approved
5 at the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-
6 00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No.
7 CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No.
8 CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-
9 2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano
10 County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*,
11 Fresno Superior Court Case No. 18CECG00265; *In re: FPI Management Wage and Hour Cases*,
12 Los Angeles Superior Court Case No. JCCP5050; *Rodriguez v. U.S. Bank, N.A.*, Los Angeles
13 Superior Court Case No. BC617356; *Goodarzi v. Belmont Village L.P.*, Los Angeles Superior
14 Court Case No. 20STCV15572; *Vernon v. McClane/Suneast, Inc.*, San Bernardino Superior
15 Court Case No. CIVSB2123367; *Clark v. Now Optics, LLC*, San Diego Superior Court Case No.
16 37-2020-00044817-CU-OE-CTL; *Diaz v. Acuity Brands Lighting, Inc.*, San Bernardino Superior
17 Court Case No. CIVDS2015583; *Idian v. VHSD ES, Inc.*, San Diego Superior Court Case No.
18 37-2019-00018927-CU-OE-CTL; and *Romano v. SSA Terminals, LLC*, Los Angeles Superior
19 Court Case No. 20STCV29048.

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

22 Executed on this 14TH day of November 2023, at Los Angeles, California.

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24 _____
Nicholas Rosenthal

EXHIBIT A

Nick Rosenthal Time and Task Chart
Lorena Ramirez v. Covenant Surgical Partners, Inc. et. al.
Superior Court of California, County of Monterey Case No. 22CV000081

Hours	Description of Work
7.7	Factual investigation and review of client documents.
1.6	Review LWDA letter and FAC.
5.9	Draft requests for production of documents (set one) and special interrogatories (set one) for each named defendant.
2.0	Review Defendants' responses to written discovery.
2.4	Review and edit meet and confer regarding written discovery.
1.3	Telephonic communications with Defense counsel re discovery responses.
14.5	Review time and pay data produced by Defendant.
3.4	Communicate with expert re analysis needed of time and pay data.
2.4	Review expert analysis.
1.9	Draft and revise PMQ notice.
16.8	Review documents and prepare outline for PMQ deposition.
5.1	Take deposition of PMQ.
8.8	Review PMQ deposition transcript and identify key excerpts.
17.4	Draft mediation statement.
9.2	Attend mediation.
5.0	Review and edit settlement agreement and class notice.
7.7	Assist in drafting Motion for Preliminary Approval.
11.3	Respond to class member inquires re settlement.
8.3	Review and edit Motion for Final Approval.
132.7	TOTAL HOURS