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Attorneys for Plaintiff and the Class

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

SABRINA GILBERT, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

CENTRAL CALIFORNIA BAKING
COMPANY, an Oregon Corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: VCU291467

[Assigned for all purposes to the Hon. John P.
Bianco, Department 2]

**DECLARATION OF KRISTEN M. AGNEW
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 22, 2024

Time: 8:30 a.m.

Dept.: 2

Complaint Filed: April 26, 2022

FAC Filed: August 21, 2023

Trial Date: None Set

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I, Kristen M. Agnew, 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, P.C., counsel of record for Plaintiff Sabrina Gilbert (“Class Representative” or “Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

FAIRNESS OF THE SETTLEMENT

2. The Joint Stipulation of Class and Representative Action Settlement (“Settlement Agreement” or “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 a highly experienced and known wage-and-hour mediator, Dan Turner.

3. Class Counsel engaged in extensive factual investigation before settling. Defendant provided responses to written discovery and produced documents and information relevant to class certification, including documents pertaining to Defendant's payroll policies and procedures, and wage statements representative of those provided to non-exempt California employees.

4. Additionally, in advance of mediation, Defendant produced data relating to the number of Aggrieved Employees and Class Members who received a wage statement reflecting shift differential or weighted overtime wages, and the number of such wage statements issued to Aggrieved Employees and Class Members during the liability period. Using the data provided by Defendant, Class Counsel was able to calculate a range of potential penalties. Class Counsel estimated that Defendant's maximum liability exposure is approximately \$1,995,000. Thus, in the present case, the Gross Settlement Amount is approximately 20% of the maximum recovery of the class and representative PAGA claims.

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

1 in litigation.

2 **ATTORNEY QUALIFICATIONS**

3 6. My qualifications are as follows: I was the 2003 recipient of the Spelman
4 Presidential Scholarship to Emory University School of Law. During law school, I was a summer
5 associate at the law firm of Sonnenschein, Nath and Rosenthal, and clerked with the Atlanta office
6 of the Equal Employment Opportunity Commission. I received my J.D. from Emory University in
7 2006 and was admitted to the California Bar in December 2006. Following law school, I was an
8 associate at Sonnenschein from September 2006 to May 2009.

9 7. Since 2009, my primary area of practice has been employment litigation. I have
10 practiced law at two preeminent employment defense firms. From May 2009 to June 2011, I was
11 an associate at Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I was also an associate, and then
12 senior associate, in the labor and employment practice group of Seyfarth Shaw, LLP from June
13 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of fortune 500
14 companies in employment litigation in both state and federal courts, as well as before government
15 agencies, including the California Department of Labor. My practice included the defense of single
16 plaintiff and multi-plaintiff lawsuits involving claims under the California Fair Employment and
17 Housing Act, the California Labor Code and the Fair Labor Standards Act. I also handled a
18 number of wage and hour class actions.

19 8. While at Ogletree and Seyfarth, I served as the lead associate on a number of wage
20 and hour class actions, including *Martha Cardenas v. Gold's Gym*, Los Angeles County Superior
21 Court Case No. BC445112; *Nathaniel Werner v. Crown Equipment Corporation*, Los Angeles
22 County Superior Court Case No. BC439428; *Christopher Williams v. Allstate Insurance Co.*, Los
23 Angeles County Superior Court Case No. BC382577; *Hwang v. Caltech*, Los Angeles County
24 Superior Court Case No. BC464894; *Melissa Roberts v. Zale Delaware, Inc.*, Los Angeles
25 Superior Court Case No. BC523610; *Michael Oliver v. Konica Minolta Business Solutions U.S.A.*,
26 *Inc.*, Santa Clara County Superior Court Case No. 114-CV-263183; *Tessa Hodge v. Zale*
27 *Delaware, Inc., d/b/a Piercing Pagoda*, San Bernardino Superior Court Case No CIVVS1301632;
28 *Warren v. Paychex, Inc.*, N.D. Cal. Case No. 3:10-cv-02006; *Tapia v. Zale Delaware Inc. et al*,

1 S.D. Cal. Case No. 3:13-cv-01565; and *Benjamin Burgess et al v. Tesoro Refining and Marketing*
2 *Company et al*, C.D. Cal. Case No. 2:10-cv-05870.

3 9. In June 2016, I joined Diversity Law Group, P.C. where I spend most of my time
4 handling employment cases. I primarily represent employees.

5 10. I have been approved as class counsel in numerous other wage/hour class actions
6 that have been granted class certification and final approval, including: *Antonio Becerra-Mata v.*
7 *PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030;
8 *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case No.
9 BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-
10 16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara
11 County Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara
12 County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles
13 County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community*
14 *Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v. Pacific Racing*
15 *Association*, Alameda County Superior Court Case No. RG18908139; *Cody Wirbick v. Sundt*
16 *Construction, Inc.*, U.S. District Court for the Eastern District of California Case No. 2:19-cv-
17 02067-MCE-CKD; *Jose Vasquez Ruiz v. Perdue Foods, LLC*, Sonoma County Superior Court
18 Case No. SCV 264649; *Delmer Wood III v. Reeve Trucking Company Inc.*, San Joaquin Superior
19 Court Case No. STK-CV-UOE-2018-0004414; *Eric Chavez v. Converse, Inc.*, U.S. District Court
20 for the Northern District of California Case No. 15-cv-03746-NC; *Jharett Siron v. Raypak, Inc.*,
21 Ventura County Superior Court Case No. 56-2019-00527959-CU-OE-VTA; *Prexxie Pascual and*
22 *Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No. 19CV345211;
23 and *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582.

24 11. I also second chaired two jury trials where I represented the prevailing defendant.
25 Both cases involved employees who brought claims against their former employers pursuant to the
26 Fair Employment & Housing Act. The cases are: *Jeff Cowell v. Eaton Aerospace LLC et al*, Los
27 Angeles County Superior Court Case No. BC401543; and *Richard Gulden v. Pratt & Whitney*
28 *Rocketdyne Inc. et al.*, Los Angeles County Superior Court Case No. BC468909. More recently, I

1 was lead trial counsel on a PAGA bench trial, in which the plaintiff was the prevailing party.

2 **ATTORNEYS' FEES AND LITIGATION COSTS**

3 12. To date, I have incurred approximately 35.80 hours in connection with the litigation
4 of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date. I
5 expect to spend additional three hours finalizing this settlement, including preparing for the final
6 approval hearing, conferring with Settlement Administrator regarding distribution of payment to
7 Settlement Class Members, and fielding phone calls regarding inquiries about the Settlement.

8 13. Prior to January 1, 2024, my hourly rate in class and representative actions was
9 \$700. Accordingly, the total lodestar for my hours will be approximately \$27,160 (38.80 hours x
10 \$700). I have been approved at an hourly rate of \$700.00 per hour by various Courts, in a number
11 of matters, including: *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No.
12 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No.
13 BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa Cruz Superior Court
14 Case No. 18CV00191; *Michael Randolph v. Pacific Racing Association*, Alameda County
15 Superior Court Case No. RG18908139; *Gutierrez v. Spa Havens, LP*, San Diego Superior Court
16 Case No. 37-2019-00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior
17 Court Case No. CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior
18 Court Case No. CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court
19 Case No. 37-2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*,
20 Solano County Superior Court Case No. FCS056134; *Pulido v. Georgia-Pacific Corrugated III*
21 *LLC*, Fresno Superior Court Case No. 18CECG00265; *In re: FPI Management Wage and Hour*
22 *Cases*, Los Angeles Superior Court Case No. JCCP5050; *Delgado v. Kloeckner Metals*
23 *Corporation*, Los Angeles Superior Court Case No. 20STCV22503; *Jackson v. Samuel, Son & Co.*
24 *(USA) Inc.*, Riverside County Superior Court Case No. CVRI2101679; *Blanton v. Communications*
25 *Test Design, Inc.*, San Joaquin Superior Court Case No. STK-CV-UOE-2021-0005136; *Diaz v.*
26 *Acuity Brands Lighting, Inc.*, San Bernardino Superior Court Case No. CIVDS2015583; *Flournoy*
27 *v. Partners Personnel – Management Services, LLC*, Riverside County Superior Court Case No.
28 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. 37-2021-00033445-CU-OE-CTL; *Johnson v. FS Palo Alto Employment, Inc.*, Santa Clara Superior Court Case No. 21CV389927; *Rodriguez v. U.S. Bank National Association*, Los Angeles Superior Court Case No. BC617356; *Moss v. Sares Regis Operating Company, L.P.*, Orange County Superior Court Case No. 30-2021-01201041-CU-OE-CXC; and *Rodriguez v. City National Bank*, Los Angeles Superior Court Case No. 20STCV29761.

14. At the time the Parties negotiated the Settlement Agreement, I did not have a final tally of the litigation costs incurred to date. As such, the Parties included a maximum amount that could be attributed to costs under the settlement. To date, Diversity Law Group has incurred costs in the amount of \$8,782.74 for litigation related expenses. Attached hereto as **Exhibit B** is a true and correct copy of the cost report.

15. Attached hereto as **Exhibit C** is a true and correct copy of the Supplemental Declaration of Nicholas Rosenthal in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement, which was filed with the Court on November 2, 2023. The declaration includes a time and task chart for Mr. Rosenthal, along with the following lodestar analysis: "The total lodestar for [Mr. Rosenthal's] hours will be approximately \$55,510.00 based on 79.3 hours, at an hourly rate of \$700.00 per hour."

NOTICE TO LWDA

16. On March 18, 2024, my office uploaded the Court's Order Granting Preliminary Approval to the LWDA's website.

17. On March 28, 2024, my office uploaded this Motion and Proposed Order to the LWDA's website. In addition, my office shall submit to the LWDA a copy of the Court's judgment and order approving the Settlement Agreement within ten (10) days after entry of judgment or order.

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

3 Executed on March 28, 2024, at Los Angeles, California.

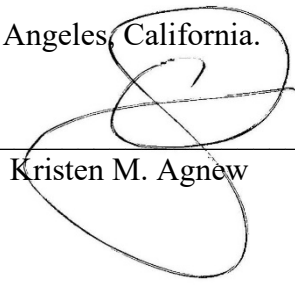
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6 _____
7 Kristen M. Agnew
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EXHIBIT A

Gilbert v. Central California Baking Company
Kristen M. Agnew Time and Task Chart

Hours	Description of Work
2.30	Factual investigation and review of client documents.
1.70	Review and edit Complaint.
2.0	Review and edit written discovery to be propounded on Defendant.
3.70	Review discovery responses and document production received from Defendant.
4.90	Review and edit mediation brief.
8.0	Attend mediation.
1.80	Review and edit Settlement Agreement.
3.60	Review and edit Motion for Preliminary Approval
.50	Confer with client re settlement approval process.
.90	Confer with defense counsel and Phoenix re class data and administration timeline.
6.40	Draft motion for final approval and supporting declarations.
35.80	TOTAL HOURS

EXHIBIT B

3/19/2024
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DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Gilbert, Sabrina v. Central 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		
71529	EXP	Mariana Becerra	1	75.00	75.00
4/18/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
LWDA					
71575	EXP	Erika Mejia	1	1482.95	1482.95
4/26/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Complaint					
71716	EXP	Erika Mejia	1	92.45	92.45
4/27/2022		Atty Service			
WIP		Gilbert, Sabrina v. Central CA			
Attorney Service - Complaint Service					
71949	EXP	Olympia	1	0.25	0.25
4/30/2022		Photocopies			
WIP		Gilbert, Sabrina v. Central CA			
Photocopies					
71950	EXP	Olympia	1	6.13	6.13
4/30/2022		Postage			
WIP		Gilbert, Sabrina v. Central CA			
Postage					
71757	EXP	Erika Mejia	1	4.90	4.90
5/11/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE EFiling - 170.6					
71862	EXP	Erika Mejia	1	4.90	4.90
5/19/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - POS of Summons					
72102	EXP	Olympia	1	4.90	4.90
6/7/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of Assignment					

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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		
72231	EXP	Erika Mejia	1	1482.95	1482.95
6/22/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Complaint					
72514	EXP	Olympia	1	0.53	0.53
6/30/2022		Postage			
WIP		Gilbert, Sabrina v. Central CA			
Postage					
72513	EXP	Olympia	5	0.25	1.25
6/30/2022		Photocopies			
WIP		Gilbert, Sabrina v. Central CA			
Photocopies					
72351	EXP	Erika Mejia	1	13.70	13.70
7/7/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - 170.6					
72747	EXP	Erika Mejia	1	13.70	13.70
8/10/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - POS of Summons					
72758	EXP	Erika Mejia	1	13.70	13.70
8/12/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
72843	EXP	Christine S. Lee	1	94.00	94.00
8/29/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					
73100	EXP	Erika Mejia	1	13.70	13.70
9/22/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of Related Case					
73109	EXP	Erika Mejia	1	13.70	13.70
9/22/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of Related Case					
73177	EXP	Erika Mejia	1	13.70	13.70
10/5/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					

3/19/2024
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DIVERSITY LAW GROUP
Slip Listing

Page 3

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		
73398	EXP	Olympia	1	4625.00	4625.00
10/18/2022		Arbitrators			
WIP		Gilbert, Sabrina v. Central CA			
Judicate West Mediation					
73400	EXP	Kristen Agnew	1	94.00	94.00
10/20/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					
73691	EXP	Olympia	1	0.57	0.57
10/31/2022		Postage			
WIP		Gilbert, Sabrina v. Central CA			
Postage					
74340	EXP	Nick Rosenthal	1	33.16	33.16
11/9/2022		Meals			
WIP		Gilbert, Sabrina v. Central CA			
Meal					
73736	EXP	Erika Mejia	1	13.70	13.70
12/7/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
73915	EXP	Nick Rosenthal	1	94.00	94.00
12/22/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					
73950	EXP	Olympia	1	13.70	13.70
12/29/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of CMC					
73951	EXP	Valeria Tril	1	13.70	13.70
12/29/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - POS					
74418	EXP	Erika Mejia	1	13.70	13.70
2/14/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
74511	EXP	Nick Rosenthal	1	72.00	72.00
2/28/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					

3/19/2024
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DIVERSITY LAW GROUP
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		
74844	EXP	Erika Mejia	1	13.70	13.70
4/10/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
75208	EXP	Erika Mejia	1	137.30	137.30
5/19/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - MTCs					
75483	EXP	Erika Mejia	1	13.70	13.70
6/12/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
75546	EXP	Erika Mejia	1	13.70	13.70
6/26/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of Settlement					
75545	EXP	Nick Rosenthal	1	72.00	72.00
6/27/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					
75926	EXP	Olympia	1	34.30	34.30
8/10/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Stip to file FAC					
75987	EXP	Olympia	1	13.70	13.70
8/21/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - NOE					
75996	EXP	Erika Mejia	1	13.70	13.70
8/21/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Request for Dismissal					
76338	EXP	Erika Mejia	1	75.50	75.50
10/6/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - MPA					
76498	EXP	Erika Mejia	1	13.70	13.70
11/2/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Supp MPA					

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11:22 AM

DIVERSITY LAW GROUP
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		
77783	EXP	Kristen Agnew	1	75.50	75.50
3/19/2024		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Est MFA Filing Fees					
Grand Total					
			Billable	0.00	8782.74
			Unbillable	0.00	0.00
			Total	0.00	8782.74

EXHIBIT C

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
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Attorneys for Plaintiff and the Class

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

SABRINA GILBERT, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

CENTRAL CALIFORNIA BAKING
COMPANY, an Oregon Corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: VCU291467

[Assigned for all purposes to the Hon. John P.
Bianco, Department 2]

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

Date: November 20, 2023

Time: 8:30 a.m.

Dept.: 2

Complaint Filed: April 26, 2022

FAC Filed: August 21, 2023

Trial Date: None Set

ELECTRONICALLY FILED
Superior Court of California,
County of Tulare
11/02/2023
By: Nicole Renteria,
Deputy Clerk

1 **SUPPLEMENTAL DECLARATION OF NICHOLAS ROSENTHAL**

2 I, Nicholas Rosenthal, declare as follows:

3 1. I am an attorney at law duly admitted to practice before all courts in the State of
4 California and am a member of the law firm of the Diversity Law Group, P.C., one of the attorneys
5 of record for Plaintiff Sabrina Gilbert (“Plaintiff”) in the above-entitled action. I have personal
6 knowledge of the matters set forth herein, and if called upon as a witness to testify thereto, I could
7 and would competently do so.

8 2. The Parties have agreed to change the Response Period to 60 days (from 45).
9 Attached hereto as **Exhibit A** is an amendment to the Joint Stipulation of Class and Representative
10 Action Settlement that revises the length of the Response Period.

11 3. My office has incurred costs in the amount of \$8,693.54. Attached hereto as
12 **Exhibit B** is copy of the costs incurred in connection with prosecution of this lawsuit.

13 4. To date, I have incurred approximately 79.3 hours in connection with the litigation
14 of this lawsuit. Attached hereto as **Exhibit C** is a summary of the hours I have incurred to date.

15 5. The total lodestar for my hours will be approximately \$55,510.00 based on 79.3
16 hours, at an hourly rate of \$700.00 per hour. I have been approved previously at a rate of \$650.00
17 by various courts, including: *Pittman v. Martinez Steel Corporation*, San Bernardino County
18 Superior Court Case No. CIVDS1823132, *Della Maggiora v. Watsonville Community Hospital*,
19 Santa Cruz County Superior Court Case No. 18CV00191, *Randolph v. Pacific Racing Association*,
20 Alameda County Superior Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*,
21 Sacramento County Superior Court Case No. 34-2018-00245481-CU-OE-GDS *Foaad Hanna v.*
22 *Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24*
23 *Seven LLC*, Los Angeles County Superior Court Case No. BC720144; *Markham v. Quik Stop*
24 *Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura
25 Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San
26 Bernardino Superior Court Case No. CIVDS1828867; *Pascual v. Satellite Healthcare, Inc.*, Santa
27 Clara County Superior Court Case No. 19CV345211; *Carrillo v. New Balance Athletics, Inc.*,
28 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.

6. 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. 37-2021-00033445-CU-OE-CTL; *Johnson v. FS Palo Alto Employment, Inc.*, Santa Clara Superior Court Case No. 21CV389927; *Rodriguez v. U.S. Bank National Association*, Los Angeles Superior Court Case No. BC617356; *Moss v. Sares Regis Operating Company, L.P.*, Orange County Superior Court Case No. 30-2021-01201041-CU-OE-CXC; and *Rodriguez v. City National Bank*, Los Angeles Superior Court Case No. 20STCV29761.

7. Combining the lodestar of myself, Mr. Lee, and Ms. Agnew results in a total

1 anticipated lodestar of \$81,375.00.

2 8. Additionally, Class Counsel anticipate spending an additional 35 hours on this
3 matter, leading to a total anticipated lodestar of \$104,735. These hours will be spent speaking with
4 class members, communicating with the administrator, preparing the final approval motion, and
5 any other issues that may arise. This amounts to a 1.27 multiplier for the fee request of
6 \$133,333.33.

7 9. Class counsel anticipates additional costs relating to the filing of the Motion for
8 Final Approval and other unexpected costs to be an additional \$250. Thus, Plaintiff anticipates the
9 total amount requested for costs will be \$8,943.54.

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

12 Executed on this 1st day of November 2023, at Los Angeles, California.

13 
14 _____
15 Nicholas Rosenthal
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27
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EXHIBIT A

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
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Attorneys for Plaintiff and the Class

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

SABRINA GILBERT, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

CENTRAL CALIFORNIA BAKING
COMPANY, an Oregon Corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: VCU291467

(Assigned to the Honorable John P. Bianco Dept.
C-2)

**AMENDMENT TO JOINT STIPULATION OF
CLASS AND REPRESENTATIVE ACTION
SETTLEMENT**

1 **AMENDMENT TO JOINT STIPULATION OF CLASS AND REPRESENTATIVE**
2 **ACTION SETTLEMENT**

3 Plaintiff Sabrina Gilbert and Defendant Central California Baking Company do hereby
4 agree to amend the Joint Stipulation of Class and Representative Action as follows:

5 Paragraph 31 shall now read: “‘Response Deadline’ means sixty (60) days after the
6 Settlement Administrator initially mails the Notice Packet to Class Members, and the last date on
7 which Class Members may submit Requests for Exclusion or Notices of Objections to the
8 Settlement.”

9
10 DATED: November 1, 2023

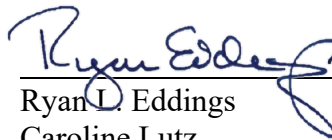
DIVERSITY LAW GROUP, P.C.

11
12 

13 Larry W. Lee
14 Kristen M. Agnew
15 Nicholas Rosenthal
16 Attorneys for Plaintiff and the Class

17 DATED: November 1, 2023

LITTLER MENDELSON, P.C.

18
19 

20 Ryan L. Eddings
21 Caroline Lutz
22 Attorneys for Defendant Central California
23 Baking Company

24 4892-7930-5356.1 / 117434-1001
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EXHIBIT B

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DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip.Classification Open
Client (hand select) Include: Gilbert, Sabrina v. Central 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		
71529	EXP	Mariana Becerra	1	75.00	75.00
4/18/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
LWDA					
71575	EXP	Erika Mejia	1	1482.95	1482.95
4/26/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Complaint					
71716	EXP	Erika Mejia	1	92.45	92.45
4/27/2022		Atty Service			
WIP		Gilbert, Sabrina v. Central CA			
Attorney Service - Complaint Service					
71949	EXP	Olympia	1	0.25	0.25
4/30/2022		Photocopies			
WIP		Gilbert, Sabrina v. Central CA			
Photocopies					
71950	EXP	Olympia	1	6.13	6.13
4/30/2022		Postage			
WIP		Gilbert, Sabrina v. Central CA			
Postage					
71757	EXP	Erika Mejia	1	4.90	4.90
5/11/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE EFiling - 170.6					
71862	EXP	Erika Mejia	1	4.90	4.90
5/19/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - POS of Summons					
72102	EXP	Olympia	1	4.90	4.90
6/7/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of Assignment					

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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		
72231	EXP	Erika Mejia	1	1482.95	1482.95
6/22/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Complaint					
72513	EXP	Olympia	5	0.25	1.25
6/30/2022		Photocopies			
WIP		Gilbert, Sabrina v. Central CA			
Photocopies					
72514	EXP	Olympia	1	0.53	0.53
6/30/2022		Postage			
WIP		Gilbert, Sabrina v. Central CA			
Postage					
72351	EXP	Erika Mejia	1	13.70	13.70
7/7/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - 170.6					
72747	EXP	Erika Mejia	1	13.70	13.70
8/10/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - POS of Summons					
72758	EXP	Erika Mejia	1	13.70	13.70
8/12/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
72843	EXP	Christine S. Lee	1	94.00	94.00
8/29/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					
73100	EXP	Erika Mejia	1	13.70	13.70
9/22/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of Related Case					
73109	EXP	Erika Mejia	1	13.70	13.70
9/22/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of Related Case					
73177	EXP	Erika Mejia	1	13.70	13.70
10/5/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					

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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		
73398	EXP	Olympia	1	4625.00	4625.00
10/18/2022		Arbitrators			
WIP		Gilbert, Sabrina v. Central CA			
Judicate West Mediation					
73400	EXP	Kristen Agnew	1	94.00	94.00
10/20/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					
73691	EXP	Olympia	1	0.57	0.57
10/31/2022		Postage			
WIP		Gilbert, Sabrina v. Central CA			
Postage					
74340	EXP	Nick Rosenthal	1	33.16	33.16
11/9/2022		Meals			
WIP		Gilbert, Sabrina v. Central CA			
Meal					
73736	EXP	Erika Mejia	1	13.70	13.70
12/7/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
73915	EXP	Nick Rosenthal	1	94.00	94.00
12/22/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					
73950	EXP	Olympia	1	13.70	13.70
12/29/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of CMC					
73951	EXP	Valeria Tril	1	13.70	13.70
12/29/2022		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - POS					
74418	EXP	Erika Mejia	1	13.70	13.70
2/14/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
74511	EXP	Nick Rosenthal	1	72.00	72.00
2/28/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					

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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		
74844	EXP	Erika Mejia	1	13.70	13.70
4/10/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
75208	EXP	Erika Mejia	1	137.30	137.30
5/19/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - MTCs					
75483	EXP	Erika Mejia	1	13.70	13.70
6/12/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - CMS					
75546	EXP	Erika Mejia	1	13.70	13.70
6/26/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Notice of Settlement					
75545	EXP	Nick Rosenthal	1	72.00	72.00
6/27/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
Courtcall					
75926	EXP	Olympia	1	34.30	34.30
8/10/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Stip to file FAC					
75987	EXP	Olympia	1	13.70	13.70
8/21/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - NOE					
75996	EXP	Erika Mejia	1	13.70	13.70
8/21/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - Request for Dismissal					
76338	EXP	Erika Mejia	1	75.50	75.50
10/6/2023		Court fees			
WIP		Gilbert, Sabrina v. Central CA			
ACE E Filing - MPA					
Grand Total					
Billable			0.00		8693.54

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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		
	Unbillable	0.00		0.00
	Total	0.00		8693.54

EXHIBIT C

Gilbert v. Central California Baking Company
Nicholas Rosenthal Time and Task Chart

Hours	Description of Work
7.4	Factual investigation and review of client documents.
2.2	Legal research prior to preparation of Complaint and LWDA letter.
.7	Draft LWDA Letter
3.5	Draft Complaint
6.2	Draft written discovery to be propounded on Defendant.
7.0	Review discovery responses and document production received from Defendant.
3.1	Communications with Defendant regarding mediation and selection of mediator.
1.6	Review Defendant's informal data production; prepare damages analysis.
8.5	Draft mediation brief.
8.0	Attend mediation.
11.3	Further communication with mediator and Defendant re settlement.
5.7	Draft Settlement Agreement; Confer with Defense Counsel re Settlement Agreement; Revisions to Settlement Agreement.
11.3	Draft Motion for Preliminary Approval
2.8	Draft Supplemental Motion for Preliminary Approval.
79.3	TOTAL HOURS