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Attorneys for Plaintiff and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

CAROLYN SCHMIDT-GUNTHNER, as
an individual and on behalf of all others
similarly situated,

Plaintiff,

vs.

THE HIGH DESERT 'PARTNERSHIP
IN ACADEMIC EXCELLENCE'
FOUNDATION, INCORPORATED, a
California nonprofit corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: CIVSB2213906

[Assigned for all purposes to the Hon. David Cohn,
Dept. S-26]

**DECLARATION OF NICHOLAS
ROSENTHAL IN SUPPORT OF PLAINTIFF'S
MOTION TO APPROVE SETTLEMENT
AGREEMENT PURSUANT TO THE
PRIVATE ATTORNEYS GENERAL ACT**

Date: August 31, 2023

Time: 9:00 a.m.

Dept: S-26

Complaint Filed: July 6, 2022

Trial Date: None

1 I, Nicholas Rosenthal, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiff
4 Carolyn Schmidt-Gunthner ("Plaintiff"). I have personal knowledge of the facts set forth below
5 and if called to testify I could and would do so competently.

6 2. I am one of the primary attorneys on this matter. From the inception of the case,
7 Plaintiff's Counsel have zealously represented the interests of Plaintiff and the Aggrieved
8 Employees.

9 3. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the
10 fairness of the settlement. After taking into account sharply disputed factual and legal issues
11 involved in this litigation, the risks attending further prosecution, and the substantial benefits to
12 be received pursuant to the compromise and settlement of the litigation, I have concluded that
13 settlement on the terms set forth in the PAGA Settlement Agreement ("Settlement Agreement")
14 is appropriate and in the best interests of Plaintiff and the Aggrieved Employees.

15 4. My qualifications are as follows: I received my JD from University of Southern
16 California Gould School of Law in 2009. Upon graduation, I practiced law as an associate at
17 Seyfarth Shaw LLP, representing corporate clients in both single-plaintiff and wage hour class
18 actions. In 2014, I began as an associate at Diversity Law Group.

19 5. I have handled a number of wage and hour matters including class actions and
20 multiple-plaintiff actions. I have been named as class counsel in a number of class actions that
21 have been granted certification or preliminary or final approval by the Superior Courts of Los
22 Angeles County, Orange County, Alameda County, and Monterey County, the United States
23 District Court for the Central District of California, and the United States District Court for the
24 Northern District of California. These cases include, but are not limited to: *Pittman v. Martinez*
25 *Steel Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132, *Della*
26 *Maggiore v. Watsonville Community Hospital*, Santa Cruz County Superior Court Case No.
27 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No.
28 RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento County Superior Court Case

No. 34-2018-00245481-CU-OE-GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144; *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867; *Pascual v. Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211; *Carrillo v. New Balance Athletics, Inc.*, 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; *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; and *In re: FPI Management Wage and Hour Cases*, Los Angeles Superior Court Case No. JCCP5050.

6. To date, I have incurred approximately 12.10 hours in connection with the litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date.

7. The total lodestar for my hours will be approximately \$8,470 based on an hourly rate of \$700.00 per hour. I have been approved previously at a rate of \$650.00 by various courts, including: *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 Superior Court Case No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento

County Superior Court Case No. 34-2018-00245481-CU-OE-GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144; *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino Superior Court Case No. CIVDS1828867; *Pascual v. Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211; *Carrillo v. New Balance Athletics, Inc.*, 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.

8. 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; *Rodriguez v. U.S. Bank, N.A.*, Los Angeles Superior Court Case No. BC617356; *Goodarzi v. Belmont Village L.P.*, Los Angeles Superior Court Case No. 20STCV15572; *Vernon v. McClane/Suneast, Inc.*, San Bernardino Superior Court Case No. CIVSB2123367; *Clark v. Now Optics, LLC*, San Diego Superior Court Case No. 37-2020-00044817-CU-OE-CTL; *Diaz v. Acuity Brands Lighting, Inc.*, San Bernardino Superior Court Case No. CIVDS2015583; *Idian v. VHSD ES, Inc.*, San Diego Superior Court Case No. 37-2019-00018927-CU-OE-CTL; and *Romano v. SSA Terminals, LLC*, Los Angeles Superior Court Case No. 20STCV29048.

I declare under penalty of perjury under the laws of the State of California that the

1 foregoing is true and correct.

2 Executed on this 9th day of August 2023, at Los Angeles, California.

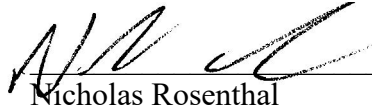
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EXHIBIT A

Carolyn Schmidt-Gunthner v. The High Desert 'Partnership in Academic Excellence' Foundation, Incorporated.

San Bernardino County Superior Court Case No. CIVSB2213906

Nicholas Rosenthal Time and Task Chart

Hours	Description of Work
1.50	Review client intake notes; confer with co-counsel re strength and weaknesses of potential claims.
.80	Review PAGA Notice and Representative Action Complaint.
3.60	Confer with co-counsel re status of discovery and strategy; review Defendant's responses to written discovery and document production.
2.10	Confer with co-counsel re settlement strategy; review and analyze potential civil penalty assessment calculation; confer with co-counsel re same.
2.40	Review and revise PAGA Settlement Agreement; confer with co-counsel re revisions and comments to agreement.
1.70	Review and revise Motion for Approval of PAGA Settlement.
12.10	TOTAL HOURS