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Attorneys for Plaintiff and the Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ALEXIS TRISTAN, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

AMERICAN HOMES 4 RENT, L.P., a
Delaware limited partnership; and DOES 1
through 50, inclusive,

Defendants

Case No. 23STCV17006

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

Date: March 11, 2024

Time: 10:00 a.m.

Dept: 61

Reservation ID: 570905490120

Complaint Filed: July 20, 2023

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 Alexis Tristan ("Plaintiff"). I have personal knowledge of the facts set forth below and if called
5 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 33.20 hours in connection with the litigation of this lawsuit. Attached hereto as **Exhibit 1** is a summary of the hours I have incurred to date. As of January 1, 2024, my hourly rate in class and representative actions is \$800.00 per hour. Accordingly, the total lodestar for my hours will be approximately \$26,560 (33.20 hours x \$800).

7. I have previously been approved as class counsel at an hourly rate of \$700.00 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;

1 *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-2020-00018179-
2 CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano County Superior
3 Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*, Fresno Superior
4 Court Case No. 18CECG00265; *In re: FPI Management Wage and Hour Cases*, Los Angeles
5 Superior Court Case No. JCCP5050; *Rodriguez v. U.S. Bank, N.A.*, Los Angeles Superior Court
6 Case No. BC617356; *Goodarzi v. Belmont Village L.P.*, Los Angeles Superior Court Case No.
7 20STCV15572; *Vernon v. McClane/Suneast, Inc.*, San Bernardino Superior Court Case No.
8 CIVSB2123367; *Clark v. Now Optics, LLC*, San Diego Superior Court Case No. 37-2020-
9 00044817-CU-OE-CTL; *Diaz v. Acuity Brands Lighting, Inc.*, San Bernardino Superior Court
10 Case No. CIVDS2015583; *Idian v. VHSD ES, Inc.*, San Diego Superior Court Case No. 37-2019-
11 00018927-CU-OE-CTL; and *Romano v. SSA Terminals, LLC*, Los Angeles Superior Court Case
12 No. 20STCV29048.

13 8. I do not have any relationship or connection with or to the Legal Aid At Work.

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

16 Executed on this 15th day of February 2024, at Los Angeles, California.

17
18 

19 _____
Nicholas Rosenthal

EXHIBIT 1

Nicholas Rosenthal Time and Task Chart

Alexis Tristan v. American Homes 4 Rent, L.P., LA Superior Court Case No. 23STCV17006

Hours	Description of Work
3.10	Review intake file; legal research re potential causes of action; confer with co-counsel re viable claims.
1.70	Review and revise PAGA notice, class action complaint and PAGA complaint; confer with co-counsel re same.
4.40	Review and analyze Defendant's arbitration agreement; legal research re <i>Viking River</i> issue; confer with co-counsel re enforceability of arbitration agreement.
1.20	Review and revise Supplemental PAGA Notice and amended pleadings.
1.50	Investigate overtime regular rate violation; confer with co-counsel re same.
.90	Confer with co-counsel re strategy for mediation and mediation data.
12.20	Review and revise exposure analysis; revise mediation statement; attend mediation; review and revise MOU.
3.50	Review and revise Joint Stipulation of Settlement and Release ("Agreement" or "Settlement"); confer with co-counsel re same.
4.70	Revise motion for approval of Settlement Agreement and supporting declarations; legal research re same; confer with co-counsel re same.
33.20	TOTAL HOURS