

EXHIBIT K

1 MARK F. SULLIVAN, State Bar No. 111011  
2 DONN S. TAKETA, State Bar No. 132654  
3 JOEL R. VILLASENOR, State Bar No. 224395  
4 GEORGE GALBRAITH, State Bar No. 243030  
5 SULLIVAN TAKETA LLP  
6 31351 Via Colinas, Suite 205  
7 Westlake Village, California 91362  
8 Telephone: (818) 889-2299  
9 Facsimile: (818) 889-4497  
10 Email: [donn.taketa@calawcounsel.com](mailto:donn.taketa@calawcounsel.com)

11 ENRIQUE MARTÍNEZ, State Bar No. 206884  
12 LAW OFFICES OF ENRIQUE MARTINEZ  
13 360 Grand Avenue, Suite 141  
14 Oakland, California 94610  
15 Telephone: (510) 287-4302  
16 Facsimile: (510) 835-1417  
17 Email: [emartinez15@comcast.net](mailto:emartinez15@comcast.net)

18 Attorneys for Plaintiffs Lorena Gómez,  
19 Anielka Rodríguez, and Putative Class

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
21 FOR THE COUNTY OF ALAMEDA

22 LORENA GÓMEZ and ANIELKA  
23 RODRÍGUEZ, on their own behalf, on  
24 behalf of others similarly situated and the  
25 general public,

26 PLAINTIFFS,

27 vs.

28 MI PUEBLO SAN JOSE, INC., a  
California corporation; BENJAMÍN DE  
ANDA, an individual; and DOES 1  
through 10, inclusive,

DEFENDANTS.

Case No.: RG 07354914

[Hon. Steven Brick, Dept. 17]

**DECLARATION OF DANIEL ROSENTHAL  
RE NOTICE MAILING PROCEDURES AND  
THE NUMBER OF CURRENT AND  
FORMER EMPLOYEES IN THE CLASS  
MEMBER LIST**

Date: June 26, 2009  
Time: 10:00 a.m.  
Dept: 17

Complaint Filed: November 6, 2007

1 I, DANIEL ROSENTHAL, declare:

2 1. I am the owner of Rosenthal & Company LLC ("Rosenthal"), located at 75 Rowland  
3 Way, Suite 250, Novato, California. I am over 21 years of age and am not a party to this action. I  
4 have personal knowledge of the facts set forth herein and, if called as a witness, could and would  
5 testify competently thereto.

6 2. Rosenthal has been retained to, among other tasks, prepare the class member list for  
7 mailing the Notice of Class Action Settlement (the "Notice"), print and mail the Notice to the Class  
8 Members and issue the settlement checks to the Class Members.

9 3. Rosenthal has been retained to, among other tasks, mail the Notice of Class Action  
10 Settlement (the "Notice") to the Class Members in this case and issue settlement checks to the Class  
11 Members. Plaintiffs' counsel has requested me to describe Rosenthal's standard procedures for  
12 mailing a notice, and to report to the Parties and the Court the numbers of current and former Mi  
13 Pueblo employees that are in the Class Member list.

14 4. When mailing a Class Action Notice, Rosenthal's standard procedures are to: (1)  
15 update the class mailing list using the National Change of Address system; (2) mail the Notice to the  
16 last known address (or updated address) for each class member; (3) re-mail the Notice to each class  
17 member whose Notices are returned by the U.S. Postal Service with forwarding addresses; and (4)  
18 conduct address searches (skip-tracing) for all class members whose Notices are returned by the U.S.  
19 Postal Service without forwarding addresses and re-mailing the Notice to all new addresses found.

20 //

21 //

22 //

23 //

24 //

25 //

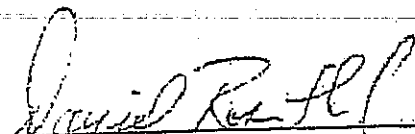
26 //

27 //

28 //

1           5.       There are approximately 2,699 class members, approximately 1,098 (41%) of whom  
2 are current employees and approximately 1,601 (59%) of whom are former employees. These counts  
3 are subject to change as Rosenthal's data development team works with the class data to determine  
4 duplicates and other issues that will arise in the development of the final class list.

5  
6 I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is  
7 true and correct to the best of my knowledge and that this declaration was executed this 15th day of  
8 July 2009 at Novato, California.

9  
10   
11 \_\_\_\_\_  
12 Daniel Rosenthal