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Kristen M. Agnew (State Bar No. 247656)
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Attorneys for Plaintiff and the Class

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

JOSE PABLO JIMENEZ, as an individual
and on behalf of all others similarly
situated,

Plaintiff,

vs.

NESTLE WATERS NORTH AMERICA,
INC., a Delaware corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No.: BCV-20-102561

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

Date: August 15, 2022
Time: 8:30 a.m.
Division: J

Complaint Filed: November 2, 2020
FAC Filed: February 7, 2022
Trial Date: None Set

1 I, Kristen M. Agnew, 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, counsel of record for Plaintiff Jose
4 Pablo Jimenez (“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. The proposed settlement meets the criteria for this Court to grant final approval of
7 this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

8 3. The Joint Stipulation of Class and Representative Action Settlement (“Settlement
9 Agreement”) was the product of arm’s length negotiations between highly able and experienced
10 attorneys on both sides who possessed the relevant data and extensive legal research which they
11 had carefully analyzed. Plaintiff’s counsel engaged in extensive factual investigation before
12 settling. The Parties also participated in a full-day of mediation with an experienced wage-and-
13 hour mediator, the Honorable Brian C. Walsh (Ret.)

14 4. In connection with mediation, Defendant provided data to Plaintiff to effectively
15 facilitate mediation, including data regarding the class size and number of workweeks, sample
16 time and payroll records, and information pertaining to Defendant’s policies and procedures.

17 5. I have spent significant time researching and pursuing the claims that have been
18 alleged in this action. Based on my independent investigation and evaluation, I am of the opinion
19 that the proposed settlement is fair, reasonable, and adequate, and is in the best interests of the
20 Class Members, in light of all known facts and circumstances, and the expenses and risks
21 inherent in litigation. The settlement was negotiated at arm’s length and was facilitated by an
22 experienced and neutral mediator. Thus, this settlement should be granted final approval.

23 6. The Court preliminarily approved this settlement on April 8, 2022, directing
24 distribution of the Notice of Class Action Settlement (“Notice”) and scheduling the hearing for
25 final approval of the settlement (the “Preliminary Approval Order”).

26 7. There were no objections to the amount of attorneys’ fees or litigation costs that
27 Class Counsel seeks in this case and for which Plaintiff asks the Court for final approval.

28 8. Any remaining monies from uncashed settlement checks will be distributed to

1 Legal Aid at Work. Class Counsel does not have any relationship with or connection or to said
2 organization.

3 9. 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
6 office of the Equal Employment Opportunity Commission. I received my J.D. from Emory
7 University in 2006 and was admitted to the California Bar in December 2006. Following law
8 school, I was an associate at Sonnenschein from September 2006 to May 2009.

9 10. 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
15 government agencies, including the California Department of Labor. My practice included the
16 defense of single plaintiff and multi-plaintiff lawsuits involving claims under the California Fair
17 Employment and Housing Act, the California Labor Code and the Fair Labor Standards Act. I
18 also handled a number of wage and hour class actions.

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

21 12. I served as the lead associate on a number of wage and hour class actions,
22 including *Martha Cardenas v. Gold's Gym*, Los Angeles County Superior Court Case No.
23 BC445112; *Nathaniel Werner v. Crown Equipment Corporation*, Los Angeles County Superior
24 Court Case No. BC439428; *Christopher Williams v. Allstate Insurance Co.*, Los Angeles County
25 Superior Court Case No. BC382577; *Hwang v. Caltech*, Los Angeles County Superior Court
26 Case No. BC464894; *Melissa Roberts v. Zale Delaware, Inc.*, Los Angeles Superior Court Case
27 No. BC523610; *Michael Oliver v. Konica Minolta Business Solutions U.S.A., Inc.*, Santa Clara
28 County Superior Court Case No. 114-CV-263183; *Tessa Hodge v. Zale Delaware, Inc., d/b/a*

1 *Piercing Pagoda*, San Bernardino Superior Court Case No CIVVS1301632; *Warren v. Paychex*,
2 *Inc.*, N.D. Cal. Case No. 3:10-cv-02006; *Tapia v. Zale Delaware Inc. et al*, S.D. Cal. Case No.
3 3:13-cv-01565; and *Benjamin Burgess et al v. Tesoro Refining and Marketing Company et al*,
4 C.D. Cal. Case No. 2:10-cv-05870.

5 13. I have been approved as class counsel in a number of class actions by the Superior
6 Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC*
7 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew*
8 *Vasquez v. Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171;
9 *Francisco Pulido v. Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-
10 18-00074; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior
11 Court Case No. BC608609; *John Obiols v. Lockheed Martin Corporation*, Santa Clara County
12 Superior Court Case No. 17CV314178; and *Eric Chavez v. Converse, Inc.*, N.D. Cal. Case No.
13 15-cv-03746-NC.

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

19 **COSTS**

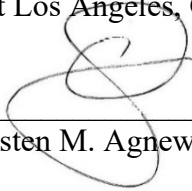
20 15. My office has incurred costs in the amount of \$8,522.18. The costs are all
21 litigation related costs, including filing and service fees, court fees, postage fees, and mediation
22 fees. Attached hereto as **Exhibit A** is a copy of the costs incurred in connection with the
23 prosecution of this lawsuit.

24 **NOTICE TO THE LWDA**

25 16. Concurrent with the filing of the Motion for Final Approval of Class and
26 Representative Action Settlement, my office uploaded the Motion to the LWDA's website.

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

Executed on this 21st day of July 2022, at Los Angeles, California.



Kristen M. Agnew

EXHIBIT A

7/21/2022
11:49 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip.Classification Open
Client (hand select) Include: Jimenez, Jose P. v. Nestle
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		
64444	EXP	Olympia	1	75.00	75.00
10/16/2020		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
LWDA					
64862	EXP	Olympia	1	6.90	6.90
10/31/2020		Postage			
WIP		Jimenez, Jose P. v. Nestle			
Postage					
64661	EXP	Olympia	1	1481.66	1481.66
11/2/2020		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Odyssey - Complaint					
65212	EXP	Olympia	1	68.50	68.50
11/11/2020		Atty Service			
WIP		Jimenez, Jose P. v. Nestle			
Attorney Service - Complaint Service					
65047	EXP	Olympia	1	3.60	3.60
11/18/2020		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Odyssey - POS of Summons					
67009	EXP	Olympia	6	0.25	1.50
3/31/2021		Photocopies			
WIP		Jimenez, Jose P. v. Nestle			
Photocopies					
67010	EXP	Olympia	1	0.71	0.71
3/31/2021		Postage			
WIP		Jimenez, Jose P. v. Nestle			
Postage					
68984	EXP	Olympia	1	4450.00	4450.00
9/21/2021		Arbitrators			
WIP		Jimenez, Jose P. v. Nestle			
JAMS Mediation					

7/21/2022
11:49 AM

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		
69764	EXP	Kristen Agnew	1	47.48	47.48
10/12/2021		Meals			
WIP		Jimenez, Jose P. v. Nestle			
Meal					
69430	EXP	Olympia	1	950.00	950.00
10/18/2021		Experts			
WIP		Jimenez, Jose P. v. Nestle			
JTC Corporation					
69488	EXP	Olympia	1	1248.00	1248.00
10/26/2021		Arbitrators			
WIP		Jimenez, Jose P. v. Nestle			
JAMS Mediation					
70519	EXP	Christine Choo	1	3.60	3.60
1/28/2022		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Odyssey - FAC					
70835	EXP	Olympia	2	0.25	0.50
1/31/2022		Photocopies			
WIP		Jimenez, Jose P. v. Nestle			
Photocopies					
70836	EXP	Olympia	1	7.33	7.33
1/31/2022		Postage			
WIP		Jimenez, Jose P. v. Nestle			
Postage					
70543	EXP	Linda Lee	1	3.60	3.60
2/7/2022		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Odyssey - Joint CMS					
70544	EXP	Linda Lee	1	3.60	3.60
2/7/2022		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Odyssey - FAC					
70787	EXP	Kristen Agnew	1	94.00	94.00
2/22/2022		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Courtcall					
70910	EXP	Linda Lee	1	65.40	65.40
2/28/2022		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Odyssey - MPA					

7/21/2022
11:49 AM

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		
71257	EXP	Olympia	1	3.60	3.60
3/23/2022		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Odyssey - Joint Status Report					
71508	EXP	Olympia	1	3.60	3.60
4/15/2022		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Odyssey - NOE					
71520	EXP	Erika Mejia	1	3.60	3.60
4/18/2022		Court fees			
WIP		Jimenez, Jose P. v. Nestle			
Odyssey - Joint CMS					
Grand Total					
			Billable	0.00	8522.18
			Unbillable	0.00	0.00
			Total	0.00	8522.18