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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 NICHOLAS
ROSENTHAL 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, 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, 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. Based on my independent investigation and evaluation, I am of the opinion that
18 the proposed settlement is fair, reasonable, and adequate, and is in the best interests of the Class
19 Members, in light of all known facts and circumstances, and the expenses and risks inherent in
20 litigation. The settlement was negotiated at arm's length and was facilitated by an experienced
21 and neutral mediator. Thus, this settlement should be granted final approval.

22 6. There were no objections to the amount of attorneys' fees or litigation costs that
23 Plaintiff's Counsel seeks in this case and for which Plaintiff asks the Court for final approval.

24 7. Any remaining monies from uncashed settlement checks will be distributed to
25 Legal Aid at Work. Plaintiff's Counsel does not have any relationship with or connection or to
26 said organization.

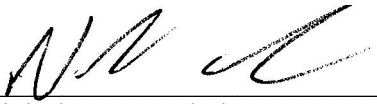
27 8. My qualifications are as follows: I received my JD from University of Southern
28 California Gould School of Law in 2009. Upon graduation, I practiced law as an associate at

1 Seyfarth Shaw LLP, representing corporate clients in both single-plaintiff and wage hour class
2 actions. In 2014, I began as an associate at Diversity Law Group.

3 9. I have handled a number of wage and hour matters including class actions and
4 multiple-plaintiff actions. I have been named as Class Counsel in a number of class actions that
5 have been granted certification or preliminary or final approval by the Superior Courts of Los
6 Angeles County, Orange County, Alameda County, and Monterey County, the United States
7 District Court for the Central District of California, and the United States District Court for the
8 Northern District of California. These cases include, but are not limited to: *Diller v. Under*
9 *Armour Retail, Inc.*, Santa Clara County Superior Court Case No. 114-CV-265729, *Dall v. Post*
10 *Alarm Systems*, Los Angeles County Superior Court Case No. BC598528, *Lopez v. Imperial*
11 *Body Shop, Inc.*, Orange County Superior Court Case No. Case No. 30-2015-00816193-CU-OE-
12 CXC, and *Hughes v. Lincare, Inc., et al.*, Monterey Superior Court Case No. M124764.

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

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

16 
17 _____
18 Nicholas Rosenthal