

NOV 07 2018

Sherri R. Carter, Executive Officer/Clerk
By: D. Rosas, Deputy

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Attorneys for Plaintiffs
Ricardo Ortega and Chris Davis

[Additional Counsel on Following Page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

RICARDO ORTEGA, CHRIS DAVIS, and
ANTHONY ALVAREZ, as individuals and on
behalf of all others similarly situated,

Plaintiff,

v.

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

Defendants.

Case No.: BC623610

[Assigned for all purposes to Hon. Carolyn B.
Kuhl., Dept. 12]

**NOTICE OF ENTRY OF JUDGMENT
AND NOTICE OF ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

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Attorneys for Plaintiffs
Ricardo Ortega and Chris Davis

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on October 29, 2018 at 10:30 a.m., the Court
3 entered an Order Granting the Final Approval Motion and Settlement Agreement.

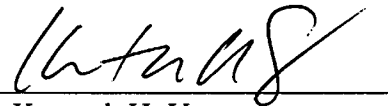
4 PLEASE TAKE NOTICE that on October 29, 2018 at 10:30 a.m., the Court
5 entered Judgment.

6 A copy of the Court's order and a copy of the Court's judgment is attached
7 hereto as Exhibit A.

8
9 Dated: October 29, 2018

LAW OFFICES OF KENNETH H. YOON

10
11 By: _____



Kenneth H. Yoon

Stephanie E. Yasuda

Brian G. Lee

12 Attorneys for Plaintiffs

13 Ricardo Ortega, Chris Davis and

14 Anthony Alvarez

EXHIBIT A


FILED
Superior Court of California
County of Los Angeles

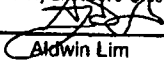
OCT 29 2018

RECEIVED
LOS ANGELES SUPERIOR COURT

OCT 04 2018

S. DREW

Sherri R. Carter, Executive Officer/Clerk of Court

By  Deputy
Aldwin Lim

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

RICARDO ORTEGA, CHRIS DAVIS, and
ANTHONY ALVAREZ, as individuals and on
behalf of all others similarly situated,

Plaintiffs,

v.

NESTLE WATERS NORTH AMERICA
INC., an entity unknown; and DOES 1 through
50, inclusive,

Defendants.

Case No.: BC623610

[Assigned for all purposes to Hon. Carolyn B. Kuhl,
Dept. 12]

**~~PROPOSED~~ ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: October 29, 2018
Time: 10:30 am
Place: Department 12

ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

EXHIBIT A

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1 1. The Court retains jurisdiction over the subject matter of this action, all Class Members
2 (including Class Representatives) and Defendants to enforce the terms of the Judgment.

3 2. In accordance with California Code of Civil Procedure Section 382, California Rule of
4 Court 3.769 and the requirements of due process, all Class Members have been given proper and
5 adequate Notice of the Settlement. Based upon the evidence submitted by the parties, the Settlement
6 Agreement, the arguments of counsel, and all the files, records and proceedings in this case, the Court
7 finds that the Notice Packet and Notice methodology implemented pursuant to the Settlement
8 Agreement and the Court's Preliminary Approval Order: (a) constituted the best practicable notice
9 under the circumstances; (b) constituted notice that was reasonably calculated, under the
10 circumstances, to apprise Class Members of the pendency of the litigation, their right to object to the
11 Settlement, and their right to appear at the Fairness Hearing; (c) was reasonable and constituted due,
12 adequate and sufficient notice to all persons entitled to notice; and (d) met all applicable requirements
13 of California Code of Civil Procedure Section 382, California Rule of Court 3.769, and any other
14 applicable law.

15 3. The Settlement Agreement in this action warrants final approval pursuant to California
16 Code of Civil Procedure Section 382 because it is fair, adequate, and reasonable to those it affects, and
17 resulted from vigorously contested litigation, substantial discovery, motion practice, and extensive
18 good-faith arm's length negotiations between the parties, and is in the public interest considering the
19 following factors:

- 20 (a) the strength of the Plaintiffs' case;
21 (b) the risk, expense, complexity and likely duration of further litigation;
22 (c) the risk of maintaining class action status throughout the trial;
23 (d) the amount offered in settlement;
24 (e) the extent of discovery completed, and the stage of the proceedings;
25 (f) the experience and views of counsel; and
26 (g) the reaction of the class members to the proposed settlement.

27 *Clark v. Am. Residential Servs. LLC*, 175 Cal. App. 4th 785, 799 (2009). Settlements that follow
28 sufficient discovery and genuine arm's length negotiation are presumed fair. *Dunk v. Ford Motor Co.*,

1 48 Cal. App. 4th 1794, 1802 (1996), *as modified* (Sept. 30, 1996). The Court finds the settlement is
2 entitled to a presumption of fairness.

3 4. The Final Approval Motion is hereby GRANTED, and the Settlement Agreement is
4 hereby APPROVED as fair, reasonable, adequate, and in the public interest, and the terms of the
5 Settlement Agreement are hereby determined to be fair, reasonable and adequate, for the exclusive
6 benefit of the Settlement Class Members. The Parties are directed to consummate the Settlement
7 Agreement in accordance with its terms.

8 5. The Court APPROVES the funding of the Settlement in accordance with the terms of
9 the Settlement Agreement.

10 6. The Court APPROVES payment of Class Representatives' Enhancement Payments in
11 the amount of \$10,000.00 to Plaintiffs Ricardo Ortega and Chris Davis, and \$5,000.00 to Plaintiff
12 Anthony Alvarez in accordance with the terms of the Settlement Agreement.

13 7. The Court APPROVES payment of attorneys' fees in the amount of \$200,000 and costs
14 in the amount of \$28,854.82 to Class Counsel in accordance with the terms of the Settlement
15 Agreement. *The fees are reasonable in light of the benefit*

16 8. *obtained for the class.* The Court APPROVES the PAGA Payment of \$10,000.00 of the Gross Settlement
17 Amount to be allocated to claims under the Labor Code Private Attorney General Act of 2004,
18 California Labor Code §§ 2698 *et seq.*, with \$7,500.00 being awarded to the State of California and
19 \$2,500.00 being awarded to Qualified Claimants by adding that sum to the Net Settlement Amount.

20 9. The Court APPROVES payment of costs to the Claims Administrator, Phoenix
21 Settlement Administrators, for Settlement Administration Costs in the amount of \$14,500.00 in
22 accordance with the terms of the Settlement Agreement and the Declaration of Melissa Meade.

23 10. The allocation plan is hereby APPROVED as fair, adequate, and reasonable. The Net
24 Settlement Amount, as well as the Class Representative's Enhancement Payment, Settlement
25 Administration Costs, and Class Counsel's attorneys' fees and litigation costs shall be distributed in
26 accordance with the terms of the Settlement Agreement and any further orders of this Court.

27 11. In consideration of the Net Settlement Amount, and for other good and valuable
28 consideration, each of the Class Members who have not timely excluded himself/herself from this

1 Settlement pursuant to the terms of the Settlement Agreement shall have fully, finally, and forever
2 released, relinquished, and discharged all claims against Defendant in accordance with the terms of the
3 Settlement Agreement and as the Qualified Claimants/Class Representatives' Released Claims, as
4 defined in the Settlement Agreement.

5 12. Without affecting the finality of this order in any way, this Court retains jurisdiction
6 over: (a) implementation of the Settlement and the terms of the Settlement Agreement; (b) distribution
7 of the Net Settlement Amount, the Class Representatives' Enhancement Payments, Settlement
8 Administration Costs, and the attorneys' fees and costs amount; PAGA Payment, and (c) all other
9 proceedings related to the implementation, interpretation, administration, consummation, and
10 enforcement of the terms of the Settlement Agreement and/or the Settlement, and the administration of
11 claims by Class Members.

12 13. Per California Rules of Court, Rule 3.771(b), Phoenix Settlement Administrators is
13 directed to post the final judgment, once entered, on its website.

14 14. This Court finds that there is no just reason for delay and expressly directs entry by the
15 Clerk of the Court of Final Judgment.

16 **IT IS SO ORDERED.**

17
18 Dated: 10/29/19



Hon. Carolyn D. Kuhl
Judge, Los Angeles County Superior Court

19
20
21 This order and final judgment constitutes the judgment
22 disposing of this action according to the terms herein.

23
24 15. Plaintiffs to submit Declaration of claims administrator
25 re distribution of funds by July 1, 2019. Case set for Non-
26 Appearance Case Review re same. July 8, 2019 4pm.
27
28

PROOF OF SERVICE

1 **STATE OF CALIFORNIA**

2 **COUNTY OF LOS ANGELES**

3 }
4 } ss.
5 }

6 I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not
7 a party to the within action; my business address is One Wilshire Boulevard, Suite 2200, Los Angeles, California
8 90017.

9 On October 4, 2018 I served the following document(s) described as:

10 **[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION**
11 **SETTLEMENT**

12 on all interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as
13 shown on the attached mailing list.

14 ☐ (BY FACSIMILE)

15 I am readily familiar with the business practices of this office. The telephone number of the facsimile
16 machine I used was (213) 489-9961. This facsimile machine complies with Rules 2003(3) of the
17 California Rules of Court. Upon transmission, no error was reported by the facsimile machine and a
18 printed copy of the machine's transmission record indicating that the transmission was successfully
19 completed is attached to this declaration.

20 ☐ By having copies personally delivered to the designated party(ies).

21 ☒ (BY MAIL)

22 I am familiar with my employer's mail collection and processing practices; know that mail is collected
23 and deposited with the United States Postal Services on the same day it is deposited in interoffice mail;
24 and know that postage thereon is fully prepaid.

25 ☐ (BY ELECTRONIC SERVICE)

26 Based on a court order to accept service by electronic means, I caused a true and correct copy of the
27 document(s) to be served electronically on counsel of record by transmission to an e-service provider
28 designated by the Court.

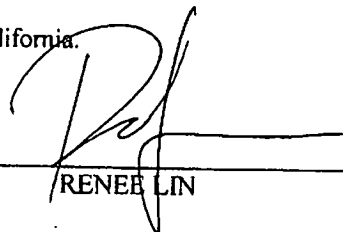
29 ☐ (BY FEDERAL EXPRESS COURIER)

30 I am "readily familiar" with the firm's practice of collection and processing correspondence for
31 Federal Express delivery. Under that practice it would be deposited with the Federal Express Courier
32 on that same day at Los Angeles, California in the ordinary course of business.

33 ☒ (State) I declare under penalty of perjury that the above is true and correct.

34 ☐ (Federal) I declare that I am employed in the office of a member the Bar of this Court at whose
35 direction the service was made.

36 Executed on October 4, 2018, at Los Angeles, California.

37 
38 _____
39 RENE LIN

Ricardo Ortega et al. v. Nestle Waters North America, Inc.
Superior Court of California, County of Los Angeles, Case No. BC623610

SERVICE LIST

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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

)
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)

ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is One Wilshire Boulevard, Suite 2200, Los Angeles, California 90017.

On October 29, 2018 I served the following document(s) described as:

**NOTICE OF ENTRY OF JUDGMENT AND ORDER GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

on all interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as shown on the attached mailing list.

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☒ (BY ELECTRONIC SERVICE)

Based on a court order to accept service by electronic means, I caused a true and correct copy of the document(s) to be served electronically on counsel of record by transmission to an e-service provider designated by the Court.

☐ (BY FEDERAL EXPRESS COURIER)

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☐ (Federal) I declare that I am employed in the office of a member the Bar of this Court at whose direction the service was made.

Executed on October 29, 2018, at Los Angeles, California.

GENESIS HERNANDEZ

Ricardo Ortega et al. v. Nestle Waters North America, Inc.
Superior Court of California, County of Los Angeles, Case No. BC623610

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