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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

NICOLE FRITCH, on behalf of the State of
California, as a private attorney general,

Plaintiff,

v.

THE COCA-COLA COMPANY, a
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 30-2023-01313737-CU-OE-CXC

**DECLARATION OF NICOLE FRITCH IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: September 20, 2024

Hearing Time: 1:30 p.m.

Judge: Hon. Lon Hurwitz

Dept.: CX103

Action Filed: March 21, 2023

1 I, Nicole Fritch, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Preliminary Approval of Class
4 Settlement and in support of my application for a class representative service payment.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. I worked for the defendant The Coca-Cola Company ("Coca-Cola") in California from
8 December of 2019 to February of 2022, and during that time period I was classified by Coca-Cola
9 as a non-exempt employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case nor am
14 I aware of having any actual or potential conflicts of interest with ILYM Group, Inc., the settlement
15 administrator. I am not aware of any other pending matter or action asserting claims that will be
16 extinguished or adversely affected by this settlement.

17 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I felt
18 that my legal rights as an employee and others like me were violated. For example, I was forced to
19 work off the clock as I was often required to clock out and continue to work during what should
20 have been my off-duty meal period. I was also subjected to work demands at all hours of the day
21 and night. I also did not always receive compliant meal breaks which were sometimes late, short or
22 missed entirely – and when these violations occurred, I did not receive all the break penalty
23 payments I was entitled to. Additionally, I earned several types of non-discretionary bonuses in pay
24 periods where I worked overtime, but the bonus payments were not factored into my regular rate
25 for purposes of calculating my overtime rate. Further, I was not reimbursed for the use of my
26 personal cell phone which was an essential tool necessary to perform my job duties.

27 6. I spoke to my attorneys several times and discussed how Coca-Cola implemented its
28 company policies and procedures. I also assisted my attorneys in their investigation into my claims

1 by providing them documents and answering their questions. I reviewed the complaint before it
2 was filed and was given access to an electronic file sharing program that alerted me via email when
3 important documents were filed so that I could review them and keep up with the developments in
4 the case which I understood was one of my duties as a class representative. I could also access court
5 filings from this case on my attorney's law firm website. Also, I was informed that Coca-Cola had
6 the right to take my deposition, and that the preparation and deposition itself could take multiple
7 days. Although my deposition was not taken, I feel I would have been adequately prepared and
8 comfortable to give testimony on my experiences.

9 7. Even though this action is in the process of settling, I was and remain prepared to perform
10 all the duties of a class representative. I understand that as a class representative I have assumed a
11 fiduciary responsibility to prosecute this class action on behalf of the absent class members. I have
12 understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the class
13 members and surrender any right to compromise the group action for an individual gain.

14 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
15 damages not only for myself but also other current and/or former non-exempt employees working
16 for Coca-Cola in California who make up the class. I felt that these individuals were not aware of
17 their labor law rights and even if they were they would probably be apprehensive about speaking
18 up or even simply because of the time, effort and risk involved in filing a class action lawsuit.

19 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
20 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
21 or part of the attorney fees and costs paid by Coca-Cola to defend this lawsuit. Also, I knew there
22 was a risk that future employers, if they ever find out about this lawsuit, could hold it against me or
23 downgrade me as a potential hire. As the only named Plaintiff in this case it would not be difficult
24 for a future employer to become aware that I sued a former employer for labor law violations.
25 Ultimately, I decided these risks were worth it and decided to fight for my rights and the rights of
26 others regardless of the risks, time and effort I spent on this case.

27 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
28 to date on important developments by reviewing court filings that were made available to me

1 electronically as I described above.

2 11. A mediation took place on April 3, 2024, with Tripper Ortman, a well-respected and
3 experienced mediator of wage and hour class actions. After the mediation the parties were able to
4 come to an agreement to settle the action. I communicated with my attorneys regarding the terms
5 of the settlement which was reached between the parties and understood that I was representing
6 absent class members and therefore wanted the best possible result to be obtained for the class
7 members and I believe a very positive result was in fact achieved via settlement. I reviewed and
8 signed the Memorandum of Understanding on April 4, 2024. I also reviewed the final settlement
9 agreement closely before signing it on July 8, 2024.

10 12. I have been actively involved with this lawsuit performing the duties described above.
11 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
12 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
13 settlement process. I estimate that I spent approximately 30-40 hours working on this case up until
14 this point. I believe I have been diligent and have done what is expected of a named plaintiff and a
15 proposed class representative to date, and will continue to do so. I have and always will maintain
16 the best interests of the class members.

17 13. My attorneys explained to me that the settlement process involves a two-step review by the
18 Court to determine whether the settlement is fair before approving the settlement. I know this
19 process also involves notifying all class members of the settlement terms and of their rights to make
20 a claim for their settlement share, to opt out of the settlement or to object to the settlement.

21 14. I believe I did the right thing by filing this case on behalf of the class members who, subject
22 to court approval, are in line to receive monetary payments as a result of this case and settlement.
23 This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel
24 significant personal satisfaction to know that I played a role in the class members being entitled to
25 monetary payments as a result of the filing of this lawsuit. I also believe that the requested class
26 representative service award of \$10,000 from the settlement is fair compensation for the work I
27 performed and the risks I undertook.

15. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying Coca-Cola costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, and in light of the size of the settlement, I believe the request for \$10,000 as a class representative service payment is fair and reasonable.

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

Executed on Aug 16, 2024, at Fullerton, CA.
(city, state)

Nicole Fritch (Aug 16, 2024 15:21 PDT)

Nicole Fritch