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Attorneys for Plaintiff and the Class

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

ARRON STANFIELD, as an individual  
and on behalf of all others similarly  
situated,

Plaintiffs,

vs.

THE F.A. BARTLETT TREE EXPERT  
COMPANY, a Connecticut corporation;  
and DOES 1 through 50, inclusive,

Defendants.

Case No.: SCV-265929

[Assigned for all purposes to the Honorable Patrick  
M. Broderick, Dept. 16]

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

Date: May 26, 2021

Time: 3:00 p.m.

Dept.: 16

Complaint Filed: January 28, 2020

Trial Date: None Set

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I, Kristen M. Agnew, declare under penalty of perjury as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California and am a member of the law firm Diversity Law Group, P.C., attorneys of record for Plaintiff Arron Stanfield (“Plaintiff”), as an individual and on behalf of all others similarly situated, in the above-entitled action. I have personal knowledge of the matters set forth herein, and if called upon as a witness to testify thereto, I could and would do so competently.

2. The Notice of Proposed Class Action Settlement (“Class Notice”) provided Class Members with my office’s contact information, where they could further seek information regarding the class settlement, leave questions for the Settlement Administrator, and update their address.

3. There were no objections to the settlement, including the amount of attorneys' fees or litigation costs that Class Counsel seek in this case and for which Plaintiff asks the Court for final approval.

4. The Settlement Agreement was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including the exchange of informal discovery. Defendant represented that it employed approximately 148 Class Members during the Class Period (April 1, 2019 through October 3, 2019). Defendant further represented that it issued approximately 2,135 wage statements reflecting the payment of overtime wages to Class Members during the Class Period. Using the data provided by Defendant, I performed a comprehensive damages analysis, and negotiated the settlement amount based on a clear understanding of the maximum exposure in this case.

5. The settlement in the case at bar warrants approval and carries a presumption of fairness. As previously noted in the application for Preliminary Approval, this current settlement was negotiated at arm's length. I support the settlement as fair, reasonable, and adequate, and in the best interest of the Class Members as a whole.

1           6.       My firm has a great deal of experience in wage and hour class action litigation  
2 and has been approved as class counsel in a number of class actions.

3           7.       I am one of the primary attorneys on this matter. My qualifications are as follows:  
4 I was the 2003 recipient of the Spelman Presidential Scholarship to Emory University School of  
5 Law. During law school, I was a summer associate at the law firm of Sonnenschein, Nath and  
6 Rosenthal, and clerked with the Atlanta office of the Equal Employment Opportunity  
7 Commission. I received my J.D. from Emory University in 2006 and was admitted to the  
8 California Bar in December 2006. Following law school, I was an associate at Sonnenschein  
9 from September 2006 to May 2009.

10          8.       Since 2009, my primary area of practice has been employment litigation. I have  
11 practiced law at two preeminent employment defense firms. From May 2009 to June 2011, I was  
12 an associate at Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I was also an associate, and then  
13 senior associate, in the labor and employment practice group of Seyfarth Shaw, LLP from June  
14 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of fortune 500  
15 companies in employment litigation in both state and federal courts, as well as before  
16 government agencies, including the California Department of Labor. My practice included the  
17 defense of single plaintiff and multi-plaintiff lawsuits involving claims under the California Fair  
18 Employment and Housing Act, the California Labor Code and the Fair Labor Standards Act. I  
19 also handled a number of wage and hour class actions.

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

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

County Superior Court Case No. 114-CV-263183; *Tessa Hodge v. Zale Delaware, Inc., d/b/a Piercing Pagoda*, San Bernardino Superior Court Case No CIVVS1301632; *Warren v. Paychex, Inc.*, N.D. Cal. Case No. 3:10-cv-02006; *Tapia v. Zale Delaware Inc. et al*, S.D. Cal. Case No. 3:13-cv-01565; and *Benjamin Burgess et al v. Tesoro Refining and Marketing Company et al*, C.D. Cal. Case No. 2:10-cv-05870.

11. I have been approved as class counsel in a number of class actions by the Superior Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew Vasquez v. Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171; *Fransisco Pulido v. Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-18-00074; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case No. BC608609; *John Obiols v. Lockheed Martin Corporation*, Santa Clara County Superior Court Case No. 17CV314178; *Eric Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-NC.; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa Cruz Superior Court Case No. 18CV00191; and *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139.

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

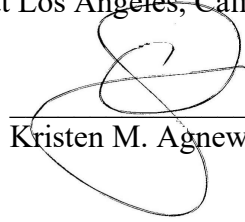
13. To date, I have incurred approximately 81.80 hours in connection with the litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date. I also anticipate spending an additional three hours conferring and reviewing e-mails and

1 other written communications with counsel for Defendant, the Settlement Administrator, and  
2 Class Members regarding post final approval matters, including payments and related issues.  
3 Thus, I will have spent a total of 84.80 hours on this matter through its conclusion.

4 14. The total lodestar for my hours will be approximately \$59,360 based on an hourly  
5 rate of \$700.00 per hour. Since at least 2017, I have been approved at an hourly rate of \$650.00  
6 per hour by various Courts, in a number of matters, including: *Antonio Becerra-Mata v. PSC*  
7 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Kosal*  
8 *So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case No.  
9 BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-  
10 16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara  
11 County Superior Court Case No. 17CV306751. More recently, I have been approved at an hourly  
12 rate of \$700.00 per hour by the following courts: *Foaad Hanna v. Equinix, LLC*, Santa Clara  
13 County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles  
14 County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community*  
15 *Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v. Pacific Racing*  
16 *Association*, Alameda County Superior Court Case No. RG18908139; *Chavez v. Converse, Inc.*,  
17 United States District Court, Northern District of California Case No. 15-cv-03746-NC; and  
18 *Carrillo v. New Balance Athletics, Inc.*, Santa Clara Superior Court Case No. 19CV352469.

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

21 Executed this 4<sup>th</sup> day of May 2021, at Los Angeles, California.

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24 \_\_\_\_\_  
25 Kristen M. Agnew  
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# EXHIBIT A

***Arron Stanfield v. The F.A. Bartlett Tree Expert Company***  
**Kristen Agnew Time and Task Chart**

| <b>Hours</b> | <b>Description of Work</b>                                                                                                                                                                                                                                                                         |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.70         | Initial research and review of background facts in preparation for filing of class action claims; confer with co-counsel re theories of liability and conduct research re same.                                                                                                                    |
| 2.40         | Draft PAGA letter and Class and Representative Action Complaint for Damages.                                                                                                                                                                                                                       |
| 6.90         | Analyze and review Defendant's statutory offer of compromise; research re validity of the statutory offer of compromise; confer with co-counsel and client re same; prepare objection to statutory offer of compromise.                                                                            |
| 3.30         | Draft Plaintiff's Requests for Production of Documents (Set One) and Interrogatories (Set One).                                                                                                                                                                                                    |
| 2.90         | Meet and confer with defense counsel re prior class action settlement in the matter of <i>Magna v. The F.A. Bartlett Tree Expert Company</i> ; analyze and review settlement documents in <i>Magna</i> ; confer with co-counsel re the impact of <i>Magna</i> ; prepare memorandum to file re same |
| 2.10         | Analysis, strategy, and research re information required from Defendant to engage in settlement negotiations; draft and revise data requests for defense counsel; confer with co-counsel re same.                                                                                                  |
| 1.50         | Meet and confer with defense counsel re June 2, 2020 Case Management Conference; draft Plaintiff's case management conference statement; review Defendant's case management conference statement.                                                                                                  |
| 2.20         | Analyze and review policies and data provided by defense counsel to evaluate liability; prepare analysis of liability and damages exposure model; confer with co-counsel re same.                                                                                                                  |
| 13.60        | Draft mediation statement; legal research re same.                                                                                                                                                                                                                                                 |
| 8.80         | Confer with co-counsel re strategy for mediation; attend mediation.                                                                                                                                                                                                                                |
| 1.00         | Meet and confer with defense counsel re August 11, 2020 case management conference; draft joint report re outcome of mediation; review Court's minute order continuing Case Management Conference.                                                                                                 |
| 2.60         | Review and revise Stipulation and Protective Order; meet and confer with co-counsel re same.                                                                                                                                                                                                       |
| 9.10         | Draft and revise Joint Stipulation of Class Action and PAGA Settlement and proposed Notice of Class Action Settlement; confer with defense counsel re revisions to settlement documents; confer with co-counsel re same.                                                                           |
| 9.40         | Draft and revise Motion for Preliminary Approval and supporting documents; conduct legal research re preliminary approval of class action settlements; confer with co-counsel re same.                                                                                                             |

| <b>Hours</b> | <b>Description of Work</b>                                                                                                                                                                                                                          |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| .90          | Meet and confer with defense counsel re February 9, 2021 case management conference; draft Plaintiff's case management statement; review Court's minute order continuing Case Management Conference.                                                |
| .50          | Review the Court's modification to the Proposed Order Granting Plaintiff's Motion for Preliminary Approval; confer with co-counsel re same.                                                                                                         |
| 2.30         | Correspond with settlement administrator regarding distribution of class notice; review and finalize notice of settlement to class members; analyze and review reports from class administrator; confer with co-counsel re inquiries re settlement. |
| 8.60         | Draft and revise Motion for Final Approval and supporting declarations; conduct legal research re same; confer with settlement administrator re declaration in support of final approval.                                                           |
| <b>81.80</b> | <b>TOTAL HOURS</b>                                                                                                                                                                                                                                  |