

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder, Esq. (State Bar No. 170131)
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
Tel: (831) 531-4214
Fax: (831) 634-0333

Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

FRANKLIN AMOG, as an individual and
on behalf of all others similarly situated,

Plaintiffs,

vs.

EL CAMINO HOSPITAL, a California
nonprofit public benefit corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 20CV363828

(Assigned to the Honorable Patricia M. Lucas,
Dept. 3)

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

Date: October 13, 2021

Time: 1:30 p.m.

Dept.: 3

1 I, Kristen 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, P.C., counsel of record for Plaintiff
4 Franklin Amog (“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. As previously noted in the Motion for Preliminary Approval, the Settlement
7 Agreement was the product of negotiation between highly able and experienced attorneys on
8 both sides who possessed the relevant data and extensive legal research which they had carefully
9 analyzed. Class Counsel engaged in extensive legal research and factual investigation before
10 settling, including the exchange of informal discovery. I performed a comprehensive damages
11 analysis and negotiated the settlement amount based on a clear understanding of the maximum
12 exposure in this case. I support the settlement as fair, reasonable, and adequate, and in the best
13 interest of the Class Members as a whole.

14 3. The Class Notice provided Class Members with Class Counsel’s contact
15 information, where they could further seek information regarding the class settlement, leave
16 questions for the Settlement Administrator, and update their address.

17 4. My firm has a great deal of experience in wage and hour class action litigation
18 and has been approved as class counsel in a number of class actions.

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

26 6. Since 2009, my primary area of practice has been employment litigation. I have
27 practiced law at two preeminent employment defense firms. From May 2009 to June 2011, I was
28 an associate at Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I was also an associate, and then

1 senior associate, in the labor and employment practice group of Seyfarth Shaw, LLP from June
2 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of fortune 500
3 companies in employment litigation in both state and federal courts, as well as before
4 government agencies, including the California Department of Labor. My practice included the
5 defense of single plaintiff and multi-plaintiff lawsuits involving claims under the California Fair
6 Employment and Housing Act, the California Labor Code and the Fair Labor Standards Act. I
7 also handled a number of wage and hour class actions.

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

10 8. I served as the lead associate on a number of wage and hour class actions,
11 including *Martha Cardenas v. Gold's Gym*, Los Angeles County Superior Court Case No.
12 BC445112; *Nathaniel Werner v. Crown Equipment Corporation*, Los Angeles County Superior
13 Court Case No. BC439428; *Christopher Williams v. Allstate Insurance Co.*, Los Angeles County
14 Superior Court Case No. BC382577; *Hwang v. Caltech*, Los Angeles County Superior Court
15 Case No. BC464894; *Melissa Roberts v. Zale Delaware, Inc.*, Los Angeles Superior Court Case
16 No. BC523610; *Michael Oliver v. Konica Minolta Business Solutions U.S.A., Inc.*, Santa Clara
17 County Superior Court Case No. 114-CV-263183; *Tessa Hodge v. Zale Delaware, Inc., d/b/a*
18 *Piercing Pagoda*, San Bernardino Superior Court Case No CIVVS1301632; *Warren v. Paychex,*
19 *Inc.*, N.D. Cal. Case No. 3:10-cv-02006; *Tapia v. Zale Delaware Inc. et al*, S.D. Cal. Case No.
20 3:13-cv-01565; and *Benjamin Burgess et al v. Tesoro Refining and Marketing Company et al*,
21 C.D. Cal. Case No. 2:10-cv-05870.

22 9. I have been approved as class counsel in a number of class actions by the Superior
23 Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC*
24 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew*
25 *Vasquez v. Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171;
26 *Fransisco Pulido v. Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-18-
27 00074; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court
28 Case No. BC608609; *John Obiols v. Lockheed Martin Corporation*, Santa Clara County Superior

1 Court Case No. 17CV314178; *Eric Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-
2 NC.; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-16-
3 CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
4 Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara County
5 Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County
6 Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*,
7 Santa Cruz Superior Court Case No. 18CV00191; and *Michael Randolph v. Pacific Racing*
8 *Association*, Alameda County Superior Court Case No. RG18908139.

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

14 11. To date, I have incurred approximately 87.60 hours in connection with the
15 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
16 to date. I also anticipate spending an additional five hours conferring and reviewing e-mails and
17 other written communications with counsel for Defendant, the Settlement Administrator, and
18 Class Members regarding post final approval matters, including payments and related issues.
19 Thus, I will have spent a total of 92.60 hours on this matter through its conclusion.

20 12. The total lodestar for my hours will be approximately \$64,820 based on an hourly
21 rate of \$700.00 per hour. Since at least 2017, I have been approved at an hourly rate of \$700 per
22 hour by various Courts, in a number of matters, including: *Foaad Hanna v. Equinix, LLC*, Santa
23 Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los
24 Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville*
25 *Community Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v.*
26 *Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139; *Chavez v.*
27 *Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-
28 03746-NC; and *Carrillo v. New Balance Athletics, Inc.*, Santa Clara Superior Court Case No.

1 19CV352469.

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct.
4

5 Executed on this 17th day of September 2021, at Los Angeles, California.

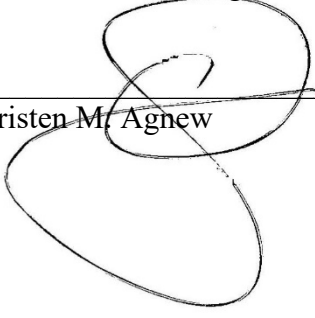
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7 A handwritten signature in dark ink, consisting of a large, stylized 'K' and 'A' that loops around each other. The signature is written over a horizontal line.
8 Kristen M. Agnew
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EXHIBIT A

Franklin Amog v. El Camino Hospital
Kristen Agnew Time and Task Chart

Hours	Description of Work
3.80	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; draft memorandum to file.
2.10	Draft Class and Representative Action Complaint for Damages.
4.40	Meet and confer with defense counsel re exhaustion of PAGA claim; conduct legal research re same; draft memorandum to file.
.90	Review and revise draft stipulation re Defendant's responsive pleading deadline; review and respond to correspondence re same.
2.20	Meet and confer with defense counsel re June 12, 2020 case management conference; prepare draft of joint report; review defense counsel's revisions to joint report and further revise; review and respond to correspondence re same; confer with co-counsel re June 12, 2020 case management conference.
9.50	Conduct legal research re Labor Code section 226(i) exemption; conduct legal research re Defendant's corporate structure; review collective bargaining agreement; prepare memorandum to file re Section 226(i) exemption; confer with co-counsel re Section 226(i) exemption.
.60	Review and respond to correspondence with defense counsel re proposed briefing schedule for Defendant's motion for summary judgment; meet and confer with co-counsel re same.
3.30	Draft Plaintiff's Requests for Production of Documents (Set One), Special Interrogatories (Set One), Form Interrogatories (Set One) and Requests for Admission (Set One).
.80	Meet and confer with defense counsel re mediation and stay on discovery; meet and confer with co-counsel re same.
2.40	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.
1.00	Meet and confer with defense counsel re October 21, 2020 case management conference; prepare draft of joint report; review defense counsel's revisions to joint report and further revise.
5.10	Analyze and review data provided by defense counsel to evaluate liability; analyze and review modified wage statements; review defendant's mediation statement; conduct further research re Labor Code section 226(i) exemption; prepare analysis of liability and damages exposure model; confer with co-counsel re same.
6.60	Draft mediation statement.

Hours	Description of Work
10.20	Confer with co-counsel re strategy for mediation; attend mediation.
9.70	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; review and respond to correspondence re same; confer with co-counsel re same.
1.20	Confer with co-counsel and settlement administrator re class member data; review and respond to correspondence re same.
8.40	Draft and revise motion for preliminary approval and supporting documents; conduct legal research re preliminary approval of class action settlements; review the court's guidelines for motions relating to preliminary and final approval of class actions; confer with co-counsel re same.
2.60	Review the court's tentative granting the motion for preliminary approval; revise proposed Notice of Class Action Settlement; confer with defense counsel re revisions to notice; prepare declaration re revisions to Notice of Class Action Settlement.
.90	Review correspondence from clerk re revised Notice of Class Action Settlement; further revise notice; prepare declaration re further revisions to class notice; confer with defense counsel re same.
2.30	Confer with settlement administrator regarding distribution of Notice of Class Action Settlement; review and finalize notice; analyze and review reports from class administrator; confer with class members re terms of settlement; confer with co-counsel re inquiries re settlement.
9.60	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.
87.60	TOTAL HOURS