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

ERNESTO DELGADO,

Plaintiffs,

vs.

KLOECKNER METALS CORPORATION,
et al.

Defendants.

Case No.: 20STCV22503

[Assigned to the Honorable Yvette M.
Palazuelos, Department 9]

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

Date: August 23, 2022

Time: 10:30 a.m.

Dept.: 9

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I, Kristen M. Agnew, declare as follows:

1. I am an attorney at law, duly licensed to practice before all Courts in the State of California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiff Ernesto Delgado (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

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

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

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

5. I served as the lead associate on a number of wage and hour class actions, including *Martha Cardenas v. Gold's Gym*, Los Angeles County Superior Court Case No. BC445112; *Nathaniel Werner v. Crown Equipment Corporation*, Los Angeles County Superior

1 Court Case No. BC439428; *Christopher Williams v. Allstate Insurance Co.*, Los Angeles County
2 Superior Court Case No. BC382577; *Hwang v. Caltech*, Los Angeles County Superior Court
3 Case No. BC464894; *Melissa Roberts v. Zale Delaware, Inc.*, Los Angeles Superior Court Case
4 No. BC523610; *Michael Oliver v. Konica Minolta Business Solutions U.S.A., Inc.*, Santa Clara
5 County Superior Court Case No. 114-CV-263183; *Tessa Hodge v. Zale Delaware, Inc., d/b/a*
6 *Piercing Pagoda*, San Bernardino Superior Court Case No CIVVS1301632; *Warren v. Paychex,*
7 *Inc.*, N.D. Cal. Case No. 3:10-cv-02006; *Tapia v. Zale Delaware Inc. et al*, S.D. Cal. Case No.
8 3:13-cv-01565; and *Benjamin Burgess et al v. Tesoro Refining and Marketing Company et al*,
9 C.D. Cal. Case No. 2:10-cv-05870.

10 6. I have been approved as class counsel in numerous other wage/hour class actions
11 that have been granted class certification and final approval, including: *Antonio Becerra-Mata v.*
12 *PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030;
13 *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case
14 No. BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case
15 No. 1-16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa
16 Clara County Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara
17 County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles
18 County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community*
19 *Hospital*, Santa Cruz Superior Court Case No. 18CV00191; and *Michael Randolph v. Pacific*
20 *Racing Association*, Alameda County Superior Court Case No. RG18908139.

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

26 8. Plaintiff and his counsel conducted an extensive investigation of the factual
27 allegations involved in this case since the inception. Specifically, Plaintiff's counsel propounded
28 special interrogatories and requests for production of documents, obtained and reviewed

1 discovery responses and Defendant's document production, and took the depositions of
2 Defendant's FRCP 30(b)(6) witnesses regarding its meal and rest break and payroll policies and
3 procedures. Plaintiff's counsel also communicated with various class members regarding the
4 claims in this lawsuit.

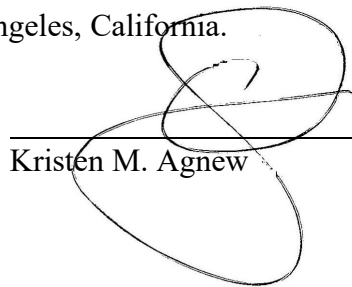
5 9. Each side has apprised the other of their respective factual contentions, legal
6 theories and defenses, resulting in extensive arm's-length negotiations taking place among the
7 Parties. Although Plaintiff's counsel are certain that they can prevail on class certification, as
8 well as on the merits, they recognize the inherent risks in drawn-out litigation, including that
9 Plaintiff could fail to establish liability. Based on their own independent investigation and
10 evaluation, the Parties and their respective counsel are of the opinion that the settlement for the
11 consideration and on the terms set forth in the Joint Stipulation of Class and Representative
12 Action Settlement Agreement and Release ("Settlement Agreement") are fair, reasonable, and
13 adequate and the settlement is in the best interests of the class and Defendant in light of all
14 known circumstances and the expenses and risks inherent in litigation.

15 10. Plaintiff also believes in the fairness of the settlement that is based on factoring in
16 the uncertainty and risks to Plaintiff involved in not prevailing on one or more of the causes of
17 action or theories alleged in the operative Complaint and the possibility of appeals.

18 11. Plaintiff and Plaintiff's counsel are adequate representatives in that they have no
19 conflicts with the class and will adequately represent the class.

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

22 Executed on May 24 2022, at Los Angeles, California.

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25 _____
26 Kristen M. Agnew
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