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Attorneys for Plaintiff and the Class

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

ERNESTO DELGADO, as individuals and on
behalf of all others similarly situated,

Plaintiffs,

vs.

KLOECKNER METALS CORPORATION,
a Delaware corporation; and DOES 1 through
50, inclusive,

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 FINAL APPROVAL OF
CLASS AND REPRESENTATIVE
ACTION SETTLEMENT**

Date: August 1, 2023
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. The Notice of Proposed Class Settlement (“Notice”) provided Settlement Class Members with my office’s contact information, where they could further seek information regarding the settlement, leave questions for the Settlement Administrator, and update their address.

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

4. The Second Amended Stipulated Settlement Agreement and Release of Claims (“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 exchanging written discovery and reviewing payroll policies and class data, and other information relevant to valuing this case. This allowed Plaintiff to conduct a full damage analysis.

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 Settlement Class Members as a whole.

6. I have been approved as class counsel in numerous other wage/hour class actions that have been granted class certification and final approval.

7. 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

1 office of the Equal Employment Opportunity Commission. I received my J.D. from Emory
2 University in 2006 and was admitted to the California Bar in December 2006. Following law
3 school, I was an associate at Sonnenschein from September 2006 to May 2009.

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

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

16 10. I served as the lead associate on a number of wage and hour class actions,
17 including *Martha Cardenas v. Gold's Gym*, Los Angeles County Superior Court Case No.
18 BC445112; *Nathaniel Werner v. Crown Equipment Corporation*, Los Angeles County Superior
19 Court Case No. BC439428; *Christopher Williams v. Allstate Insurance Co.*, Los Angeles County
20 Superior Court Case No. BC382577; *Hwang v. Caltech*, Los Angeles County Superior Court
21 Case No. BC464894; *Melissa Roberts v. Zale Delaware, Inc.*, Los Angeles Superior Court Case
22 No. BC523610; *Michael Oliver v. Konica Minolta Business Solutions U.S.A., Inc.*, Santa Clara
23 County Superior Court Case No. 114-CV-263183; *Tessa Hodge v. Zale Delaware, Inc., d/b/a*
24 *Piercing Pagoda*, San Bernardino Superior Court Case No CIVVS1301632; *Warren v. Paychex,*
25 *Inc.*, N.D. Cal. Case No. 3:10-cv-02006; *Tapia v. Zale Delaware Inc. et al*, S.D. Cal. Case No.
26 3:13-cv-01565; and *Benjamin Burgess et al v. Tesoro Refining and Marketing Company et al*,
27 C.D. Cal. Case No. 2:10-cv-05870.

28 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; *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139; *Lao v. H&M Hennes & Mauritz*, N.D. Cal. Case No. 16-cv-00333-EJD; and *Chavez v. Converse*, Case Number N.D. Cal. Case No. 5:16-cv-333 EJD.

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 spent approximately 36.4 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.

14. The total lodestar for my hours will be approximately \$25,480.00 based on an hourly rate of \$700.00 per hour. Since at least 2017, I have been approved at an hourly rate of \$650.00 per hour by various Courts, in a number of matters, including: *Antonio Becerra-Mata v. PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case

1 No. BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case
2 No. 1-16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa
3 Clara County Superior Court Case No. 17CV306751. More recently, I have been approved at an
4 hourly rate of \$700.00 per hour by the following courts: *Foaad Hanna v. Equinix, LLC*, Santa
5 Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los
6 Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville*
7 *Community Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v.*
8 *Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139; *Prexxie*
9 *Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No.
10 19CV345211; *Chavez v. Converse, Inc.*, United States District Court, Northern District of
11 California Case No. 15-cv-03746-NC; and *Carrillo v. New Balance Athletics, Inc.*, Santa Clara
12 Superior Court Case No. 19CV352469.

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

15 Executed on this 7th day of July 2023, at Los Angeles, California.

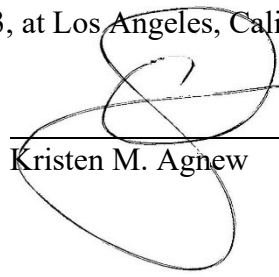
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EXHIBIT A

Delgado v. Kloeckner Metals
Kristen Agnew Time and Task Chart

Hours	Description of Work
1.6	Review and edit Complaint.
2.0	Review and edit written discovery to be propounded on Defendant.
1.7	Review and edit written discovery responses.
2.3	Review and edit damages analysis ahead of mediation.
6.3	Read deposition transcripts of Plaintiff and PMK witness.
1.0	Review and edit mediation brief.
8.0	Attend mediation.
7.4	Review and edit Motion for Class Certification and supporting papers.
1.1	Communication re settlement.
.9	Review and edit Settlement Agreement.
2.0	Review and edit Motion for Preliminary Approval
.6	Review and edit Supplemental Motion for Preliminary Approval.
1.5	Draft Motion for Final Approval and Accompanying Papers
36.4	TOTAL HOURS