

Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Nicholas Rosenthal (State Bar No. 268297)
nrosenthal@diversitylaw.com
Max W. Gavron (State Bar No. 291697)
mgavron@diversitylaw.com
Kwanporn “Mai” Tulyathan (State Bar No. 316704)
ktulyathan@diversitylaw.com
Christine S. Lee (State Bar No. 339947)
christine@diversitylaw.com
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiffs and the Class

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

CINTHIA MENDOZA and DELISHIA
HYDE, as individuals and on behalf of all
others similarly situated,

Plaintiffs,

vs.

PRIME NOW LLC, a Delaware limited
liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: RG20068286

(Assigned to the Hon. Evelio Grillo, Dept. 21)

**DECLARATION OF KRISTEN M. AGNEW
IN SUPPORT OF PLAINTIFFS’ MOTION
FOR FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: August 8, 2023

Time: 10:00 A.M.

Dept.: 21

Reservation No.: 138916486157

Complaint Filed: July 21, 2020

FAC Filed: April 5, 2022

SAC Filed: November 4, 2022

Trial Date: None Set

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

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, counsel of record for Plaintiffs Delishia Hyde, Clara Trotter, Eugenia Dubose, and Araya Turner (collectively, “Plaintiffs”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. The Class Action Settlement Agreement and Release (“Settlement Agreement” or “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.

3. The settlement in the case at bar warrants approval and carries a presumption of fairness. 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.

4. 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.

5. 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

1 Employment and Housing Act, the California Labor Code and the Fair Labor Standards Act. I
2 also handled a number of wage and hour class actions.

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

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

17 8. I have been approved as class counsel in a number of class actions by the Superior
18 Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC*
19 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew*
20 *Vasquez v. Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171;
21 *Fransisco Pulido v. Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-18-
22 00074; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court
23 Case No. BC608609; *John Obiols v. Lockheed Martin Corporation*, Santa Clara County Superior
24 Court Case No. 17CV314178; *Eric Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-
25 NC.; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-16-CV-
26 294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
27 Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara County
28 Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County

1 Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*,
2 Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v. Pacific Racing*
3 *Association*, Alameda County Superior Court Case No. RG18908139; *Lao v. H&M Hennes &*
4 *Mauritz*, N.D. Cal. Case No. 16-cv-00333-EJD; and *Chavez v. Converse*, Case Number N.D. Cal.
5 Case No. 5:16-cv-333 EJD.

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

11 10. I have spent approximately 42.6 hours of work on this case. Attached hereto as
12 **Exhibit A** is a summary of the time I have spent on this case.

13 11. The total lodestar for my hours will be approximately \$29,820.00 based on an
14 hourly rate of \$700.00 per hour (42.6 hours x \$700). Since at least 2017, I have been approved at
15 an hourly rate of \$650.00 per hour by various Courts, in a number of matters, including: *Antonio*
16 *Becerra-Mata v. PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No.
17 CU-15-00030; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior
18 Court Case No. BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior
19 Court Case No. 1-16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*,
20 Santa Clara County Superior Court Case No. 17CV306751. More recently, I have been approved
21 at an hourly rate of \$700.00 per hour by the following courts: *Foaad Hanna v. Equinix, LLC*,
22 Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los
23 Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville*
24 *Community Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v.*
25 *Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139; *Prexxie*
26 *Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No.
27 19CV345211; *Chavez v. Converse, Inc.*, United States District Court, Northern District of
28 California Case No. 15-cv-03746-NC; and *Carrillo v. New Balance Athletics, Inc.*, Santa Clara

1 Superior Court Case No. 19CV352469.

2 12. I do not have any conflict of interest with the proposed cy pres recipient.

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

5 Executed on this 17th day of July 2023, at Los Angeles, California.

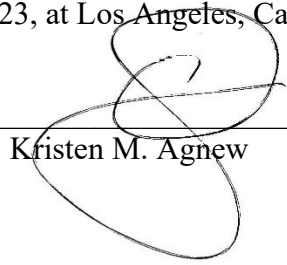
6
7 
8 _____
9 Kristen M. Agnew
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Mendoza v. Prime Now LLC
Kristen M. Agnew Time and Task Chart

Hours	Description of Work
10.9	Analyze and review pleadings, discovery, and document productions; confer with co-counsel to prepare for fielding calls from and conducting interviews of putative class members.
15.4	Conduct interviews of putative class members to obtain further information and support for meal period theory of liability in response to Defendant's arguments regarding automatic payment of meal period premiums.
6.1	Conduct legal research regarding sick pay theory of liability, including analysis of rulings in other cases alleging similar theory of liability pending in trial courts; confer with co-counsel re same and strategize re litigation given research.
7.5	Field calls and respond to inquiries from putative class members following preliminary approval of settlement.
2.7	Analyze and review motion for preliminary approval, supplemental briefing re same, and court's order re same; draft and revise declaration in support of final approval; draft and revise motion for final approval; confer with co-counsel re same.
42.6	TOTAL HOURS