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Attorneys for Plaintiff, the Class, and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

JAIME MOEN, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

GENENTECH, INC., a Delaware
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 37-2021-00008619-CU-OE-CTL

(Assigned for all purposes to the Honorable
Katherine A. Bacal, Dept. C-69)

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

Date: March 10, 2023

Time: 1:30 P.M.

Dept.: C-69

Complaint Filed: March 1, 2021

FAC Filed: March 10, 2022

Trial Date: Not Set

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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 Named Plaintiff Jaime Moen (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. 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.

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

2. 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 Court Case No. BC439428; *Christopher Williams v. Allstate Insurance Co.*, Los Angeles County

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

9 3. I have been approved as class counsel in a number of class actions by the Superior
10 Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC*
11 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew*
12 *Vasquez v. Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171;
13 *Fransisco Pulido v. Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-18-
14 00074; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court
15 Case No. BC608609; *John Obiols v. Lockheed Martin Corporation*, Santa Clara County Superior
16 Court Case No. 17CV314178; *Eric Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-
17 NC.; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-16-
18 CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
19 Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara County
20 Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County
21 Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*,
22 Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v. Pacific Racing*
23 *Association*, Alameda County Superior Court Case No. RG18908139; *Lao v. H&M Hennes &*
24 *Mauritz*, N.D. Cal. Case No. 16-cv-00333-EJD; and *Chavez v. Converse*, Case Number N.D.
25 Cal. Case No. 5:16-cv-333 EJD.

26 4. I also second chaired two jury trials where I represented the prevailing defendant.
27 Both cases involved employees who brought claims against their former employers pursuant to
28 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.

5. To date, I have incurred approximately 67.9 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.

6. I also anticipate spending an additional 10 hours conferring and reviewing e-mails and other written communications with counsel for Defendant, the Settlement Administrator, and Class Members regarding post final approval matters, including payments and related issues.

7. The total lodestar for my hours will be approximately \$54,530.00 based on an hourly rate of \$700.00 per hour (77.9 x \$700). 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 No. BC608609; *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. More recently, I have been approved at an hourly rate of \$700.00 per hour by the following courts: *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; *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No. 19CV345211; *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-03746-NC; and *Carrillo v. New Balance Athletics, Inc.*, Santa Clara Superior Court Case No. 19CV352469.

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

3 Executed on this 3rd day of March 2023, at Los Angeles, California.

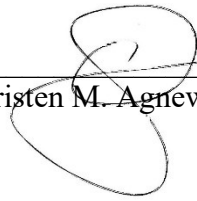
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EXHIBIT A

Jaime Moen v. Genentech, Inc.
Time and Task Chart for Kristen M. Agnew

Hours	Description of Work
6.8	Review of file, client documents, and pleadings upon assignment to case
0.5	Review the Court's Notice of Case Assignment
6.2	Review defendant's motion to strike and demurrer; assist in legal research of same
7.3	Review and revise settlement agreement and class notice
7.2	Draft, review and revise motion for preliminary approval of settlement and supporting docs
6.5	Review and revise first supplemental brief for preliminary approval; review tentative ruling re preliminary approval; legal research re FLSA
12.7	Review and revise second supplemental brief; review tentative ruling re preliminary approval; further research re FLSA
4.4	Multiple meet and confer with counsel regarding preliminary approval
9.5	Draft, review and revise motion for final approval of settlement
6.8	Draft, review, and revise supplemental briefing for final approval of settlement and supporting documents; further meet and confer with opposing counsel
<u>67.9</u>	<u>TOTAL HOURS</u>