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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF SAN BERNARDINO**

18 RAKESH RAY, as an individual and on
19 behalf of all others similarly situated;

20 Plaintiffs,

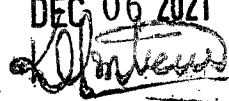
21 vs.

22 C&W FACILITY SERVICES, INC.,
23 Massachusetts corporation; and DOES 1
24 through 50, inclusive,

25 Defendants.

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 06 2021

BY 
Kaliska Monticue DEPUTY

Case No.: CIVSB2101321

[Assigned for all purposes to the Hon. David Cohn,
Department S-26]

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

Date: December 29, 2021
Time: 10:00 A.M.
Dept: S-26

Complaint Filed: January 28, 2021
FAC Filed: April 22, 2021
SAC Filed: October 1, 2021

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I, Kristen 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 Rakesh Ray (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. From the inception of the case, Plaintiff's counsel has zealously represented the interests of the putative class. The settlement was obtained for the benefit of the putative class, as opposed to the individual Plaintiff.

3. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the fairness of the settlement, which is based on factoring in the inherent risks in drawn-out litigation and the specific risks that a class might not be certified and/or that Plaintiff could fail to establish liability, as well as the possibility of appeals.

4. After taking into account sharply disputed factual and legal issues involved in this litigation, the risks attending further prosecution, and the substantial benefits to be received pursuant to the compromise and settlement of the litigation, I have concluded that settlement on the terms set forth in the Joint Stipulation of Class Action Settlement and Release (“Agreement” or “Settlement Agreement”) is fair, reasonable, and adequate and is in the best interests of the Class and Defendant in light of all known facts and circumstances and the expenses and risks inherent in litigation.

5. Plaintiff's counsel has been approved as class counsel in a number of wage and hour class actions and have extensive litigation experience.

6. 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.

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

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

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

25 10. I served as the lead associate on a number of wage and hour class actions,
26 including *Martha Cardenas v. Gold's Gym*, Los Angeles County Superior Court Case No.
27 BC445112; *Nathaniel Werner v. Crown Equipment Corporation*, Los Angeles County Superior
28 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 11. 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; and *Eric Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-
17 03746-NC.

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

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

25 Executed on this 6th day of December, 2021, at Los Angeles, California.

26
27 
28 _____
Kristen M. Agnew