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Attorneys for Plaintiff and Aggrieved Employees

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

JAMES FLOURNOY, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

PARTNERS PERSONNEL –
MANAGEMENT SERVICES, LLC, a
Delaware limited liability company; and
DOES 1 through 50, inclusive,

Defendants.

Case No. CVRI2102372

[Assigned for all purposes to the Hon. Daniel
Ottolia, Department 4]

**DECLARATION OF KRISTEN M.
AGNEW IN SUPPORT OF PLAINTIFF'S
MOTION TO APPROVE SETTLEMENT
AGREEMENT PURSUANT TO THE
PRIVATE ATTORNEYS GENERAL ACT**

Date: May 9, 2022

Time: 8:30 a.m.

Dept.: 4

Reservation ID: 938404797838

Action Filed: May 7, 2021

Trial Date: None Set

1 I, Kristen M. Agnew, declare as follows:

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

6 2. From the inception of the case, Plaintiff's Counsel have zealously represented
7 the interests of Plaintiff and the PAGA Settlement Group Members.

8 3. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the
9 fairness of the settlement. After taking into account sharply disputed factual and legal issues
10 involved in this litigation, the risks attending further prosecution, and the substantial benefits
11 to be received pursuant to the compromise and settlement of the litigation, I have concluded
12 that settlement on the terms set forth in the PAGA Settlement Agreement ("Settlement
13 Agreement") is appropriate and in the best interests of Plaintiff and the PAGA Settlement
14 Group Members.

15 4. My qualifications are as follows: I was the 2003 recipient of the Spelman
16 Presidential Scholarship to Emory University School of Law. During law school, I was a
17 summer associate at the law firm of Sonnenschein, Nath and Rosenthal, and clerked with the
18 Atlanta office of the Equal Employment Opportunity Commission. I received my J.D. from
19 Emory University in 2006 and was admitted to the California Bar in December 2006.
20 Following law school, I was an associate at Sonnenschein from September 2006 to May 2009.

21 5. Since 2009, my primary area of practice has been employment litigation. I have
22 practiced law at two preeminent employment defense firms. From May 2009 to June 2011, I
23 was an associate at Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I was also an associate,
24 and then senior associate, in the labor and employment practice group of Seyfarth Shaw, LLP
25 from June 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of
26 fortune 500 companies in employment litigation in both state and federal courts, as well as
27 before government agencies, including the California Department of Labor. My practice
28 included the defense of single plaintiff and multi-plaintiff lawsuits involving claims under the

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

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

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

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

23 9. I have been approved as class counsel in numerous wage/hour class actions that
24 have been granted class certification and final approval, including: *Antonio Becerra-Mata v.*
25 *PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030;
26 *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case
27 No. BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case
28 No. 1-16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa

1 Clara County Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa
2 Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los
3 Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville*
4 *Community Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v.*
5 *Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139; *Cody*
6 *Wirbick v. Sundt Construction, Inc.*, U.S. District Court for the Eastern District of California
7 Case No. 2:19-cv-02067-MCE-CKD; *Jose Vasquez Ruiz v. Perdue Foods, LLC*, Sonoma
8 County Superior Court Case No. SCV 264649; *Delmer Wood III v. Reeve Trucking Company*
9 *Inc.*, San Joaquin Superior Court Case No. STK-CV-UOE-2018-0004414; *Eric Chavez v.*
10 *Converse, Inc.*, U.S. District Court for the Northern District of California Case No. 15-cv-
11 03746-NC; *Jharett Siron v. Raypak, Inc.*, Ventura County Superior Court Case No. 56-2019-
12 00527959-CU-OE-VTA; *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*,
13 Santa Clara Superior Court Case No. 19CV345211; and *Markham v. Quik Stop Markets, Inc.*,
14 Santa Clara Superior Court Case No. 19CV341582.

15 10. To date, I have incurred approximately 48.20 hours in connection with the
16 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have spent
17 on this case to date. This figure does not include the estimated hours for appearing at the
18 fairness hearing, conferring and reviewing e-mails with defense counsel and the Settlement
19 Administrator, and answering questions from PAGA Settlement Group Members regarding
20 payments and related issues. I anticipate I will expend approximately two hours working on
21 these matters, in addition to the hours described in Exhibit A.

22 11. The total lodestar for my hours will be approximately \$35,140 based on an
23 hourly rate of \$700.00 per hour ([48.20 hours + 2.0 hours] x 700). I have been approved at an
24 hourly rate of \$700.00 per hour by various Courts, including: *Foaad Hanna v. Equinix, LLC*,
25 Santa Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*,
26 Los Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v.*
27 *Watsonville Community Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael*
28 *Randolph v. Pacific Racing Association*, Alameda County Superior Court Case No.

1 RG18908139; *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara
2 Superior Court Case No. 19CV345211; *Chavez v. Converse, Inc.*, United States District Court,
3 Northern District of California Case No. 15-cv-03746-NC; and *Carrillo v. New Balance*
4 *Athletics, Inc.*, Santa Clara Superior Court Case No. 19CV352469.

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

7 Executed on this 13th day of April 2022, at Los Angeles, California.

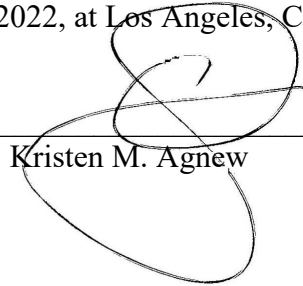
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EXHIBIT A

Flournoy v. Partners Personnel
Time and Task Chart for Kristen M. Agnew

Hours	Description of Work
4.80	Initial research and review of background facts in preparation for filing of complaint; review Defendant's arbitration agreement and research re same; confer with co-counsel re theories of liability.
2.30	Draft PAGA letter and Representative Action Complaint.
1.80	Review and analyze Defendant's meal and rest period policies; confer with co-counsel re same; prepare memorandum to file re same.
2.10	Conference calls with defense counsel re Defendant's business operations, limitations on scope of aggrieved employees and changes to meal/rest period policy; review and respond to email re same.
1.60	Draft stipulation to continue initial case management conference; review and respond to email re same.
3.90	Research re manageability requirement for PAGA actions; confer with co-counsel re same.
1.40	Review PAGA Case Management Order; meet and confer with defense counsel re same; prepare draft initial joint case management statement.
2.10	Analysis, strategy, and research re information required from Defendant to engage in settlement negotiations; draft and revise data requests for defense counsel; conference with defense counsel re data requests.
8.40	Draft mediation statement; conduct legal research re same; review Defendant's mediation statement; confer with co-counsel re same.
6.70	Attend mediation; review and revise MOU.
3.20	Review and revise of settlement agreement and related documents; confer with counsel re same.
9.90	Draft Motion to Approve Settlement Agreement Pursuant to PAGA and supporting declaration.
48.20	TOTAL HOURS