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Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

MELISSA MOSS, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

SARES REGIS OPERATING COMPANY,
L.P.; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 30-2021-01201041-CU-OE-CXC

[Assigned for all purposes to the Hon. William
Claster, Dept. CX104]

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

Date: May 5, 2023

Time: 9:00 a.m.

Dept.: CX104

Complaint Filed: May 17, 2021

FAC Filed: August 16, 2021

SAC Filed: June 21, 2022

Trial Date: None Set

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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 Moss (‘‘Plaintiff’’). I have personal knowledge of the facts set forth below and if called upon I could and would do so competently.

2. I am one of the primary attorneys on this matter. The Joint Stipulation of Class and PAGA Settlement and Release of Claims (“Settlement Agreement”) was the product of negotiation between highly able and experienced attorneys. Class Counsel engaged in extensive factual investigation before settling, including reviewing class data and other information relevant to valuing this case. This allowed Class Counsel to conduct a full damage analysis. 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 from the compromise and settlement of the litigation, I am of the opinion that settlement on the terms set forth in the Settlement Agreement is fair and reasonable, and in the best interests of the Class.

3. 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.

4. Since 2009, my primary area of practice has been employment litigation. I have worked 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 a 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

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

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

21 6. 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 7. I have been approved as class counsel in a number of class actions by the Superior
24 Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC*
25 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew*
26 *Vasquez v. Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171;
27 *Fransisco Pulido v. Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-18-
28 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.

8. To date, I have incurred approximately 77.70 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.

9. The total lodestar for my hours will be approximately \$54,390 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 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; *Chavez v. Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-03746-NC; and

1 *Carrillo v. New Balance Athletics, Inc.*, Santa Clara Superior Court Case No. 19CV352469.

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

4 Executed on this 13th day of April 2023, at Los Angeles, California.

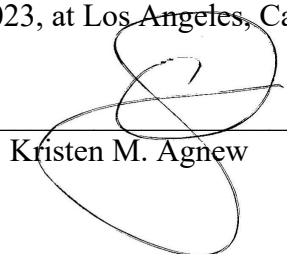
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EXHIBIT A

Moss v. Sares Regis Operating Company
Kristen M. Agnew Time and Task Chart

Hours	Description of Work
2.10	Initial research and review of background facts in preparation for filing of complaint; confer with co-counsel re theories of liability.
2.70	Draft PAGA letter, Class Action Complaint and PAGA Complaint.
6.90	Review and respond to correspondence from defense counsel re alleged wage statement violation, paycard claim and sick pay regular rate calculation; analysis and research re same; confer with co-counsel re same.
1.40	Review and analyze Plaintiff's wage statements; confer with expert re calculation of regular rate; confer with co-counsel re same.
5.20	Research and analysis re amendment to complaint; draft supplemental PAGA letter; draft First Amended Class Action Complaint; draft stipulation to file First Amended Complaint; review and respond to correspondence from defense counsel re same.
1.00	Meet and confer with defense counsel re October 15, 2021 case management conference; review and revise joint report.
1.60	Analysis and research re information required from Defendant to engage in settlement negotiations; draft and revise data requests for defense counsel.
8.90	Draft mediation statement and damages analysis; analysis and research re same; confer with co-counsel re strategy for mediation.
7.50	Attend all-day mediation.
9.40	Draft Joint Stipulation of Class Action and PAGA Settlement and Release of Claims ("Settlement Agreement"); confer with co-counsel re revisions to Settlement Agreement; review and respond to defense counsel's revisions to Settlement Agreement; conference calls with defense counsel re same.
5.30	Review and revise Motion for Preliminary Approval of Class Action Settlement ("Motion for Preliminary Approval") and supporting declarations.
1.10	Draft Second Amended Class Action Complaint; draft stipulation to file Second Amended Complaint; review and respond to correspondence from defense counsel re same.
8.30	Analysis and review of July 8, 2022 minute order re Plaintiff's Motion for Preliminary Approval; review and respond to correspondence from defense counsel re same; draft Supplemental Statement in Support of Plaintiff's Motion for Preliminary Approval and supporting attorney declaration; confer with co-counsel re same.
2.50	Draft Amended Joint Stipulation of Class Action and PAGA Settlement and Release of Claims ("Amended Settlement Agreement"); review and respond to

	correspondence from defense counsel re revisions to Amended Settlement Agreement; confer with co-counsel re same
.80	Review and respond to correspondence from defense counsel re continuance of hearing on Plaintiff's Motion for Preliminary Approval; draft Joint Stipulation to Continue Hearing on Plaintiff's Motion for Preliminary Approval.
1.40	Review Court's November 4, 2022 Minute Order re Motion for Preliminary Approval of Class Settlement; draft [Proposed] Amended Order Granting Motion for Preliminary Approval; review and respond to correspondence from defense counsel re same.
1.70	Confer with settlement administrator regarding distribution of notice of class action settlement; review and finalize notice; analyze and review reports from settlement administrator; confer with class members re terms of settlement and scope of class; review and respond to correspondence from defense counsel and settlement administrator re inquiries from class members.
9.90	Draft Motion for Final Approval and supporting declarations; conduct legal research re same; confer with settlement administrator re opt-out received and declaration in support of final approval.
77.70	TOTAL HOURS