

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
kagnew@diversitylaw.com
nrosenthal@diversitylaw.com

Attorneys for Plaintiff and the Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

ALLEN JOHNSON, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

FS PALO ALTO EMPLOYMENT, INC., a
Delaware corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No.: 21CV389927

(Assigned for all purposes to the Hon. Sunil R.
Kulkarni, Dept. 1)

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

Date: March 2, 2023

Time: 1:30 P.M.

Dept.: 1

Complaint Filed: November 4, 2021

Trial Date: None

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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 Virginia, and am with the law firm Diversity Law Group, counsel of record for Plaintiff Allen ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to I could and would do so competently.

2. From the inception of the case, Plaintiff's counsel have zealously represented the interests of Plaintiff and the aggrieved employees. The settlement was obtained for the benefit of the aggrieved employees, as opposed to the individual Plaintiff.

3. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the merits of the settlement, which is based on factoring in the inherent risks in drawn-out litigation, as well as the possibility of appeals.

4. After taking into account sharply disputed factual and legal issues involved in this case, the risks attending further prosecution, including the still-developing law under the ADA, and the substantial benefits to be received pursuant to the compromise and settlement of this litigation, I have concluded that settlement on the terms set forth in the Joint PAGA Settlement Agreement and Release of Claims (“Settlement Agreement” or “Settlement”) is appropriate and in the best interests of Plaintiff and the aggrieved employees.

5. 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.

6. 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 June 2013. From June 2013 to June 2015, I was a senior associate at the law firm of

1 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of fortune 500
2 companies in employment litigation in both state and federal courts, as well as before
3 government agencies, including the California Department of Labor. My practice included the
4 defense of single plaintiff and multi-plaintiff lawsuits involving claims under the California Fair
5 Employment and Housing Act, the California Labor Code and the Fair Labor Standards Act. I
6 also handled a number of wage and hour class actions.

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

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

21 9. I have been approved as class counsel in a number of class actions by the Superior
22 Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC*
23 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Eric*
24 *Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-NC, *Kosal So v. Owens-Brockway*
25 *Glass Container, Inc.*, Los Angeles County Superior Court Case No. BC608609, *Antonio*
26 *Becerra-Mata v. PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No.
27 CU-15-00030; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County
28 Superior Court Case No. BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County

1 Superior Court Case No. 1-16-CV-294904; *Shannon Sanchez v. American Para Professional*
2 *Systems, Inc.*, Santa Clara County Superior Court Case No. 17CV306751.

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

8 11. To date, I have incurred approximately 21.4 hours in connection with the
9 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred
10 to date.

11 12. The total lodestar for my hours will be approximately \$14,980.00 based on an
12 hourly rate of \$700.00 per hour. Since at least 2017, I have been approved at an hourly rate of
13 \$650.00 per hour by various Courts, in a number of matters, including: *Antonio Becerra-Mata v.*
14 *PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030;
15 *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case
16 No. BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case
17 No. 1-16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa
18 Clara County Superior Court Case No. 17CV306751. More recently, I have been approved at an
19 hourly rate of \$700.00 per hour by the following courts: *Foaad Hanna v. Equinix, LLC*, Santa
20 Clara County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los
21 Angeles County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville*
22 *Community Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v.*
23 *Pacific Racing Association*, Alameda County Superior Court Case No. RG18908139; *Prexxie*
24 *Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No.
25 19CV345211; *Chavez v. Converse, Inc.*, United States District Court, Northern District of
26 California Case No. 15-cv-03746-NC; and *Carrillo v. New Balance Athletics, Inc.*, Santa Clara
27 Superior Court Case No. 19CV352469.

28 I declare under penalty of perjury under the laws of the State of California that the

1 foregoing is true and correct.

2 Executed on this 6th day of February 2023, at Los Angeles, California.

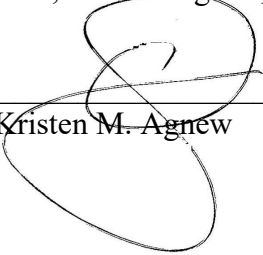
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EXHIBIT A

Johnson v. FS Palo Alto Employment
Time and Task Chart for Kristen Agnew

Hours	Description of Work
3.5	Factual investigation and review of client file.
1.1	Review and edit complaint.
2.9	Review and edit opposition to Defendant's Motion to Compel Arbitration.
1.5	Review and edit mediation brief.
9.0	Attend mediation.
3.4	Review and edit Approval Motion and accompanying documents.
Total: 21.4	