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Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

JOHN COOK, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

APPLE INC., a California corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No. 34-2021-00311177-CU-OE-GDS

(Assigned to the Hon. Lauri A. Damrell, Dept. 28)

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

Date: September 1, 2023

Time: 9:00 a.m.

Dept.: 28

Reservation No. A-311177-001

Complaint Filed: November 17, 2021

FAC Filed: May 18, 2023

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, counsel of record for Plaintiff John Cook (“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 have 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 and PAGA Settlement (“Settlement Agreement”) is appropriate and in the best interests of Plaintiff and the putative class.

5. Plaintiff's counsel have 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.

7. 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

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

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

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

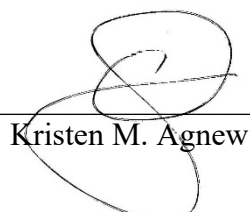
22 10. I have been approved as class counsel in a number of class actions by the Superior
23 Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC*
24 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew*
25 *Vasquez v. Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171;
26 *Francisco Pulido v. Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-18-
27 00074; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case
28 No. BC608609; *John Obiols v. Lockheed Martin Corporation*, Santa Clara County Superior Court

Case No. 17CV314178; and *Eric Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-NC.

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

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

Executed on this 10th day of August 2023, at Los Angeles, California.



Kristen M. Agnew