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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. 22)

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

Date: March 29, 2024

Time: 9:00 a.m.

Dept.: 22

Complaint Filed: November 17, 2021

FAC Filed: May 18, 2023

Trial Date: Not Set

DECLARATION OF KRISTEN M. AGNEW

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. The Class Notice provided Class Members with my office's contact information, where they could further seek information regarding the settlement, leave questions for the Settlement Administrator, and update their address.

3. There were no objections to the amount of attorney's fees or litigation costs that Class Counsel seek in this case and for which Plaintiff asks the Court for final approval.

4. The Joint Stipulation of Class Action and PAGA Settlement was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including reviewing class data. This allowed Plaintiff to conduct a full damage analysis.

5. The settlement in the case at bar warrants approval and carries a presumption of fairness. As previously noted in the application for preliminary approval, this current settlement was negotiated at arm's length. I support the settlement as fair, reasonable, and adequate, and in the best interest of the Settlement Class Members as a whole.

6. I have been approved as class counsel in numerous other wage/hour class actions that have been granted class certification and final approval.

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

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

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

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

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

12. 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.

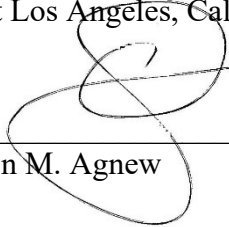
13. To date, I have incurred approximately 37.9 hours in connection with the litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date.

14. As of January 1, 2024, my hourly rate in class and representative actions is \$800. Accordingly, the total lodestar for my hours will be approximately \$30,320.00. I was approved at an hourly rate of \$800 in the matter of *Robert Jordan v. Mondelez Global LLC*, San Bernardino Superior Court Case No. CIVSB2202758. Prior to this, I had been approved at an hourly rate of \$700.00 by various Courts, in a number of matters, including: *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; *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No. CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No. CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No. 37-2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*, Fresno Superior Court Case No. 18CECG00265; *In re: FPI Management Wage and Hour Cases*, Los Angeles Superior Court Case No. JCCP5050; *Delgado v. Kloeckner Metals*

1 *Corporation*, Los Angeles Superior Court Case No. 20STCV22503; *Jackson v. Samuel, Son & Co.*
2 *(USA) Inc.*, Riverside County Superior Court Case No. CVRI2101679, *Blanton v. Communications*
3 *Test Design, Inc.*, San Joaquin Superior Court Case No. STK-CV-UOE-2021-0005136; *Diaz v.*
4 *Acuity Brands Lighting, Inc.*, San Bernardino Superior Court Case No. CIVDS2015583; *Flournoy v.*
5 *Partners Personnel – Management Services, LLC*, Riverside County Superior Court Case No.
6 CVRI2102372; *Idian v. VHSD ES INC.*, San Diego Superior Court Case No. 37-2019-00018927-CU-
7 OE-CTL; *Miller v. Stanbridge University*, Orange County Superior Court Case No. 30-2021-
8 01206298-CU-OE-CXC; *Romano v. SSA Terminals, LLC*, Los Angeles Superior Court Case No.
9 20STCV29048; *Wise v. Le Petite Academy, Inc.*, San Joaquin Superior Court Case No., STK-CV-
10 UOE-2021-10561; *Chambers v. SOMACIS, Inc.*, San Diego Superior Court Case No. 37-2021-
11 00033445-CU-OE-CTL; *Johnson v. FS Palo Alto Employment, Inc.*, Santa Clara Superior Court Case
12 No. 21CV389927; *Rodriguez v. U.S. Bank National Association*, Los Angeles Superior Court Case
13 No. BC617356; *Moss v. Sares Regis Operating Company, L.P.*, Orange County Superior Court Case
14 No. 30-2021-01201041-CU-OE-CXC; and *Rodriguez v. City National Bank*, Los Angeles Superior
15 Court Case No. 20STCV29761.

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

18 Executed on this 7th day of March 2024, at Los Angeles, California.

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Kristen M. Agnew

EXHIBIT A

John Cook v. Apple, Inc.
Kristen M. Agnew Time and Task Chart

Hours	Description of Work
3.1	Factual investigation and review of documents.
1.2	Review and edit written discovery.
1.0	Review data produced by Defendant and perform damages analysis.
7.1	Review and edit mediation brief.
9.4	Attend mediation.
7.2	Review and edit settlement agreement.
2.4	Revisions to settlement agreement.
3.8	Review and edit Motion for Preliminary Approval and supporting documents.
2.7	Draft Motion for Final Approval.
37.9	TOTAL HOURS