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

Coordination Proceeding
Special Title (Rule 3.550)

HUMANO WAGE AND HOUR CASES

Included actions:

Hines v. Humano LLC

Emmens v. Humano LLC

Thurman v. Humano LLC

JUDICIAL COUNCIL COORDINATION
PROCEEDING
No. 5240

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
No. 34-2022-00313411

SUPERIOR COURT OF CALIFORNIA
COUNTY OF YOLO
No. CV2021-2225

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
No. CIVSB2227784

*[Assigned for all purposes to Hon. Daniel
M. Wolk, Dept. 8]*

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

Date: December 20, 2024

Time: 10:30 a.m.

Dept.: 8

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Attorneys for Plaintiffs and the Class

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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 Plaintiffs Michael Emmens, Jermaine Hines, and Doris Thurman (“Plaintiffs”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

FAIRNESS OF THE SETTLEMENT

2. Based on my own independent investigation and evaluation, I am of the opinion that settlement for the consideration and on the terms set forth in the Joint Stipulation of Class Action Settlement (“Settlement Agreement” or “Agreement”) is fair, reasonable, and adequate and is in the best interests of the Class, in light of all known facts and circumstances and the expenses and risks inherent in litigation.

3. The Settlement Agreement was the product of negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed.

4. Class Counsel conducted significant investigation in this case. Plaintiffs served formal written discovery seeking among other things, class contact information for the putative class, timekeeping and payroll records for Class Members, and Defendant Humano LLC's ("Defendant" or "Humano") written wage and hour policies and procedures. The Parties completed a *Belair-West* opt-out notice process, and Plaintiffs' counsel was provided with the contact information for those Class Members that did not opt-out. Thereafter, Plaintiffs' counsel interviewed Class Members regarding their work experiences at Humano.

5. Furthermore, the Parties engaged in arm's length negotiations at mediation with a highly experienced and known wage-and-hour mediator, Jeffrey Ross. Prior to mediation, Defendant produced timekeeping and payroll records for all Class Members as well as a detailed class list, which included Class Members' hire date and termination dates (if applicable). Defendant also provided its employee handbook(s) and written wage and hour

1 policies, as well as other information. Class Counsel hired an expert to assist counsel in
2 conducting a comprehensive analysis of the payroll and timekeeping data produced by
3 Defendant to create a detailed exposure analysis for all claims at issue. This discovery allowed
4 the Parties to assess the merits and value of Plaintiffs' claims, the chances of certification of
5 Plaintiffs' claims, and Defendants' potential defenses. Thus, Class Counsel entered mediation
6 with a clear understanding of Defendant's maximum exposure.

7 6. Based on Class Counsel's analysis of the law and data provided by Defendant,
8 counsel estimated that the potential realistic recovery for the Settlement Class would be
9 approximately \$1,722,568. The proposed Settlement of \$1,500,000.00 represents approximately
10 87% of the reasonably forecasted recovery for the Settlement Class.

11 **ATTORNEY QUALIFICATIONS**

12 7. Class Counsel has a great deal of experience in wage and hour class action
13 litigation. Diversity Law Group has been approved as class counsel in a number of wage and
14 hour class actions and have extensive litigation experience

15 8. 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. Following
20 law school, I was an associate at Sonnenschein from September 2006 to May 2009.

21 9. 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

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

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

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.

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

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

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; *Jharet 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 14. I have served as lead trial counsel on class and representative PAGA bench trials,
16 in which the plaintiffs were the prevailing parties. The cases are: *Esteban Palomino v. Northrop*
17 *Grumman Systems Corporation*, Santa Clara County Superior Court Case No. 19CV345534;
18 and *Jose Delgado v. Taylor Farms California, Inc.*, Monterey County Superior Court Case No.
19 18CV001381

20 **ATTORNEYS' FEES AND LITIGATION COSTS**

21 15. To date, I have incurred approximately 88.20 hours in connection with the
22 litigation of this lawsuit. I expect to spend an additional three hours finalizing this settlement,
23 including preparing for the approval hearing, conferring with Settlement Administrator
24 regarding distribution of payment to Settlement Class Members, and fielding phone calls
25 regarding inquiries about the Settlement.

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1 16. As of January 1, 2024, my hourly rate in class and representative actions
2 increased to \$800. Accordingly, the total lodestar for my hours will be approximately \$72,960
3 (91.20 hours x \$800). I was recently approved at an hourly rate of \$800 in the matters of *Robert*
4 *Jordan v. Mondelez Global, LLC*, San Bernardino County Superior Court Case No.
5 CIVSB2202758; *Alexis Tristan v. American Homes 4 Rent, L.P.*, Los Angeles County Superior
6 Court Case No. 23STCV17006; and *Jose Valencia v. Sentinel Transportation, LLC*, Santa
7 Barbara Superior Court Case No. 22CV00951. I was also previously approved at an hourly rate
8 of \$700.00 in a number of matters, including: *Foaad Hanna v. Equinix, LLC*, Santa Clara
9 County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles
10 County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community*
11 *Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v. Pacific*
12 *Racing Association*, Alameda County Superior Court Case No. RG18908139; *Gutierrez v. Spa*
13 *Havens, LP*, San Diego Superior Court Case No. 37-2019-00057065-CU-OE-NC; *Cruzado v.*
14 *Ontario T, Inc.*, San Bernardino Superior Court Case No. CIVSB2027249; *Ray v. C&W Facility*
15 *Services, Inc.*, San Bernardino Superior Court Case No. CIVSB2101321; *Alvarez v. Forterra*
16 *Building Products*, San Diego Superior Court Case No. 37-2020-00018179-CU-OE-CTL; *Dunn*
17 *v. Universal Plant Services of California, Inc.*, Solano County Superior Court Case No.
18 FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*, Fresno Superior Court Case No.
19 18CECG00265; *In re: FPI Management Wage and Hour Cases*, Los Angeles Superior Court
20 Case No. JCCP5050; *Delgado v. Kloeckner Metals Corporation*, Los Angeles Superior Court
21 Case No. 20STCV22503; *Jackson v. Samuel, Son & Co. (USA) Inc.*, Riverside County Superior
22 Court Case No. CVRI2101679, *Blanton v. Communications Test Design, Inc.*, San Joaquin
23 Superior Court Case No. STK-CV-UOE-2021-0005136; *Diaz v. Acuity Brands Lighting, Inc.*,
24 San Bernardino Superior Court Case No. CIVDS2015583; *Flournoy v. Partners Personnel –*
25 *Management Services, LLC*, Riverside County Superior Court Case No. CVRI2102372; *Idian v.*
26 *VHSD ES INC.*, San Diego Superior Court Case No. 37-2019-00018927-CU-OE-CTL; *Miller v.*
27 *Stanbridge University*, Orange County Superior Court Case No. 30-2021-01206298-CU-OE-
28 CXC; *Romano v. SSA Terminals, LLC*, Los Angeles Superior Court Case No. 20STCV29048;

1 *Wise v. Le Petite Academy, Inc.*, San Joaquin Superior Court Case No., STK-CV-UOE-2021-
2 10561; *Chambers v. SOMACIS, Inc.*, San Diego Superior Court Case No. 37-2021-00033445-
3 CU-OE-CTL; *Johnson v. FS Palo Alto Employment, Inc.*, Santa Clara Superior Court Case No.
4 21CV389927; *Rodriguez v. U.S. Bank National Association*, Los Angeles Superior Court Case
5 No. BC617356; *Moss v. Sares Regis Operating Company, L.P.*, Orange County Superior Court
6 Case No. 30-2021-01201041-CU-OE-CXC; and *Rodriguez v. City National Bank*, Los Angeles
7 Superior Court Case No. 20STCV29761.

8 17. At the time the Parties negotiated the Settlement Agreement, I did not have a
9 final tally of the litigation costs incurred to date. As such, the Parties included a maximum
10 amount that could be attributed to costs under the settlement. To date, Diversity Law Group has
11 incurred costs in the amount of \$31,906.52 for litigation related expenses. The litigation costs
12 exceed the initial amount that was anticipated. The increase in costs is due in large part to the
13 costs associated with retaining an expert witness to calculate the damages/penalties at issue and
14 the dissemination of the *Belaire-West* notice to approximately 7,000 employees. Attached
15 hereto as **Exhibit A** is a true and correct copy of the cost report.

16 UNCASHED CHECKS

17 18. Neither I nor Diversity Law Groups has a relationship – monetarily, professional
18 or otherwise – with Legal Aid at Work , the designated *cy pres* recipient .

19 NOTICE TO LWDA

20 19. On November 12, 2024, Class Counsel uploaded the Court’s Order Granting
21 Preliminary Approval to the LWDA’s website. Attached hereto as **Exhibit B** is a true and
22 correct copy of the confirmation.

23 20. Concurrent with the filing of the Motion for Final Approval, my office uploaded
24 the Motion, Agreement, and proposed order to the LWDA’s website. Attached hereto as
25 **Exhibit C** is a true and correct copy of the submission confirmation.

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

3 Executed on this 12th day of November 2024, at Los Angeles, California.

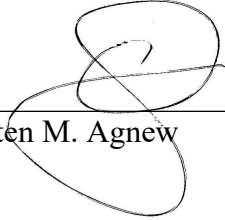
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EXHIBIT A

EXHIBIT B

Erika Mejia

From: DIR PAGA Unit <no-reply@formassembly.com>
Sent: Tuesday, November 12, 2024 12:31 PM
To: Erika Mejia
Subject: Thank you for your Court Order or Judgment Submission

11/12/2024 12:30:21 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Court Order or Judgment

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm

EXHIBIT C