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Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

MICHAEL FORD as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

AVARTARA LLC; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.: 22STCV10348

**DECLARATION OF KRISTEN M.
AGNEW IN SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT AND PROVISIONAL
CERTIFICATION OF CLASS**

Date: October 30, 2024

Time: 10:00 a.m.

Dept.: 9

1 I, Kristen M. Agnew, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiffs
4 Michael Ford and Anthony Williams (“Plaintiffs”). I have personal knowledge of the facts set forth
below and if called to testify I could and would do so competently.

5 2. I am one of the primary attorneys on this matter. Based on my own independent
6 investigation and evaluation, I am of the opinion that settlement for the consideration and on the
7 terms set forth in the Joint Stipulation of Class and Representative PAGA Consolidated Action
8 Settlement (“Agreement” or “Settlement Agreement”) is fair, reasonable, and adequate and is in the
9 best interests of the Class, in light of all known facts and circumstances and the expenses and risks
inherent in litigation.

10 3. The Notice of Proposed Class Consolidated Action Settlement will be distributed in
11 English based on Defendant Avartara LLC’s representation that there are no Spanish-only speakers
12 in the Class.

13 4. My office was retained based upon a contingency fee arrangement wherein Class
14 Counsel agreed to advance all costs and receive no fee unless a recovery was accomplished.
15 Specifically, had Plaintiffs failed to prevail in the matter, Class Counsel would have spent a
16 significant amount of time, money and other resources without any benefit or return. For instance,
17 my office has expended costs to file the instant action, effect service of process, pay mediation fees
18 and other litigation related costs. In addition, had Plaintiffs also failed to prevail in the present cases,
Defendant would have been able to seek costs in connection with their defense of the case.

19 5. Class Counsel are experienced and well-qualified class action litigators who have
20 litigated many wage and hour class actions and have each been certified as class counsel in numerous
21 other class actions, particularly wage and hour class actions.

22 6. My qualifications are as follows: I was the 2003 recipient of the Spelman Presidential
23 Scholarship to Emory University School of Law. During law school, I was a summer associate at
24 the law firm of Sonnenschein, Nath and Rosenthal, and clerked with the Atlanta office of the Equal
25 Employment Opportunity Commission. I received my J.D. from Emory University in 2006 and was
26 admitted to the California Bar in December 2006. Following law school, I was an associate at
Sonnenschein from September 2006 to May 2009.

27 7. Since 2009, my primary area of practice has been employment litigation. I have
28 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
3 May 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
6 and multi-plaintiff lawsuits involving claims under the California Fair Employment and Housing
7 Act, the California Labor Code and the Fair Labor Standards Act. I also handled a number of wage
8 and hour class actions.

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

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

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

27 11. I have been approved as class counsel in numerous wage/hour class actions that have
28 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-

1 16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
2 Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior
3 Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court
4 Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*, Santa Cruz
5 Superior Court Case No. 18CV00191; *Michael Randolph v. Pacific Racing Association*, Alameda
6 County Superior Court Case No. RG18908139; *Cody Wirbick v. Sundt Construction, Inc.*, U.S.
7 District Court for the Eastern District of California Case No. 2:19-cv-02067-MCE-CKD; *Jose*
8 *Vasquez Ruiz v. Perdue Foods, LLC*, Sonoma County Superior Court Case No. SCV 264649;
9 *Delmer Wood III v. Reeve Trucking Company Inc.*, San Joaquin Superior Court Case No. STK-
10 CV-UOE-2018-0004414; *Eric Chavez v. Converse, Inc.*, U.S. District Court for the Northern
11 District of California Case No. 15-cv-03746-NC; *Jharett Siron v. Raypak, Inc.*, Ventura County
12 Superior Court Case No. 56-2019-00527959-CU-OE-VTA; *Prexxie Pascual and Arturo Fonseca*
13 *v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No. 19CV345211; and *Markham v.*
14 *Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582.

15 12. I have served as lead trial counsel on class and representative PAGA bench trials, in
16 which the plaintiffs were the prevailing parties.

17 I declare under penalty of perjury that the foregoing is true and correct under the laws of the
18 State of California. Executed on July 3, 2024 in Los Angeles, California.

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KRISTEN M. AGNEW