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Attorneys for Plaintiff and the Class

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

THALIA MARAVILLA, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

LCS COMMUNITY EMPLOYMENT
LLC, an Iowa limited liability company;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: SCV-270452

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

Date: March 12, 2025

Time: 3:00 p.m.

Dept.: 17

Complaint Filed: March 23, 2022

Trial Date: None

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 Plaintiff
4 Thalia Maravilla (“Class Representative” or “Plaintiff”). I have personal knowledge of the facts
5 set forth below and if called to testify I could and would do so competently.

6 **FAIRNESS OF THE SETTLEMENT**

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

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

15 4. Class Counsel conducted significant investigation in this case. Plaintiff served
16 formal written discovery seeking documents and information related to class certification,
17 including the number of putative class members, Defendant LCS Community Employment’s
18 (“Defendant”) COVID-19 screening policies, and Defendant’ policies and procedures utilized to
19 calculate compensable time worked by putative class members. Defendant served verified
20 responses to the initial discovery and subsequently provided supplemental responses.

21 5. Furthermore, the Parties engaged in arm’s length negotiations at mediation with a
22 highly experienced and known wage-and-hour mediator, Michael Loeb. Prior to mediation,
23 Defendant provided relevant payroll data regarding the scope of the class and range of potential
24 damages and penalties at issue, such as: (1) number of putative class members; (2) the number of
25 workweeks worked by putative class members; (3) the number of separated putative class
26 members; (4) the number of wage statements issues to putative class members; and (5) the
27 average hourly rates of putative class members.
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6. This discovery allowed the Parties to assess the merits and value of Plaintiff's claims, the chances of certification, and Defendant's potential defenses. Thus, Class Counsel entered mediation with a clear understanding of Defendant's maximum exposure.

7. Based on Class Counsel's analysis of the law and data provided by Defendant, counsel estimated that the total exposure for the class and PAGA claims was \$9,098,844.65. The Gross Settlement Amount is \$904,304, and thus amounts to approximately 9.9% of Defendant's maximum exposure. However, this figure assumes that the Court would not discount PAGA civil penalties. In the alternative, if the Court applies *Carrington* as a benchmark, the realistic exposure on the class and PAGA claims totals \$6,501,444.65, which amounts to approximately 13.80% of the total estimated liability.

ATTORNEY QUALIFICATIONS

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

9. 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.

10. 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 associate at Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I was also an associate, and then senior associate, in the labor and employment practice group of Seyfarth Shaw, LLP from June 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of fortune 500 companies in employment litigation in both state and federal courts, as well as before government agencies, including the California Department of Labor. My practice included the

1 defense of single plaintiff and multi-plaintiff lawsuits involving claims under the California Fair
2 Employment and Housing Act, the California Labor Code and the Fair Labor Standards Act. I
3 also handled a number of wage and hour class actions.

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

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

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

23 14. I have been approved as class counsel in numerous wage/hour class actions that
24 have been granted class certification and final approval, including: *Antonio Becerra-Mata v. PSC*
25 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Kosal*
26 *So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case No.
27 BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-
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1 16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara
2 County Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara
3 County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles
4 County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community*
5 *Hospital*, Santa Cruz Superior Court Case No. 18CV00191; *Michael Randolph v. Pacific Racing*
6 *Association*, Alameda County Superior Court Case No. RG18908139; *Cody Wirbick v. Sundt*
7 *Construction, Inc.*, U.S. District Court for the Eastern District of California Case No. 2:19-cv-
8 02067-MCE-CKD; *Jose Vasquez Ruiz v. Perdue Foods, LLC*, Sonoma County Superior Court
9 Case No. SCV 264649; *Delmer Wood III v. Reeve Trucking Company Inc.*, San Joaquin
10 Superior Court Case No. STK-CV-UOE-2018-0004414; *Eric Chavez v. Converse, Inc.*, U.S.
11 District Court for the Northern District of California Case No. 15-cv-03746-NC; *Jharett Siron v.*
12 *Raypak, Inc.*, Ventura County Superior Court Case No. 56-2019-00527959-CU-OE-VTA;
13 *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court
14 Case No. 19CV345211; and *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court
15 Case No. 19CV341582.

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17 15. I have served as lead trial counsel on class and representative PAGA bench trials,
18 in which the plaintiffs were the prevailing parties. The cases are: *Esteban Palomino v. Northrop*
19 *Grumman Systems Corporation*, Santa Clara County Superior Court Case No. 19CV345534; and
20 *Jose Delgado v. Taylor Farms California, Inc.*, Monterey County Superior Court Case No.
21 18CV001381

22 **ATTORNEYS' FEES AND LITIGATION COSTS**

23 16. To date, I have incurred approximately 132.6 hours in connection with the
24 litigation of this lawsuit. Attached hereto as **Exhibit 1** is a summary of the hours I have incurred
25 to date. I expect to spend an additional five hours finalizing this settlement, including preparing
26 for the approval hearing, conferring with Settlement Administrator regarding distribution of
27 payment to Settlement Class Members, and fielding phone calls regarding inquiries about the
28 Settlement.

1 17. My hourly rate in class and representative actions is \$800. Accordingly, the total
2 lodestar for my hours will be approximately \$109,920 (137.6 hours x \$800). I have been
3 approved at an hourly rate of \$800 in the matters of *Robert Jordan v. Mondelez Global, LLC*,
4 San Bernardino County Superior Court Case No. CIVSB2202758; *Alexis Tristan v. American*
5 *Homes 4 Rent, L.P.*, Los Angeles County Superior Court Case No. 23STCV17006; and *Jose*
6 *Valencia v. Sentinel Transportation, LLC*, Santa Barbara Superior Court Case No. 22CV00951;
7 *In re Humano Wage and Hour Cases*, Judicial Council Coordination Proceeding Case No. 5240.
8 I was also previously approved at an hourly rate of \$700.00 in a number of matters, including:
9 *Foaad Hanna v. Equinix, LLC*, Santa Clara County Superior Court Case No. 18CV339365;
10 *Alicia Harris v. 24 Seven LLC*, Los Angeles County Superior Court Case No. BC720144; *Mary*
11 *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz Superior Court Case No.
12 18CV00191; *Michael Randolph v. Pacific Racing Association*, Alameda County Superior Court
13 Case No. RG18908139; *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-
14 2019-00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case
15 No. CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case
16 No. CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No.
17 37-2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano
18 County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*,
19 Fresno Superior Court Case No. 18CECG00265; *In re: FPI Management Wage and Hour Cases*,
20 Los Angeles Superior Court Case No. JCCP5050; *Delgado v. Kloeckner Metals Corporation*,
21 Los Angeles Superior Court Case No. 20STCV22503; *Jackson v. Samuel, Son & Co. (USA) Inc.*,
22 Riverside County Superior Court Case No. CVRI2101679, *Blanton v. Communications Test*
23 *Design, Inc.*, San Joaquin Superior Court Case No. STK-CV-UOE-2021-0005136; *Diaz v. Acuity*
24 *Brands Lighting, Inc.*, San Bernardino Superior Court Case No. CIVDS2015583; *Flournoy v.*
25 *Partners Personnel – Management Services, LLC*, Riverside County Superior Court Case No.
26 CVRI2102372; *Idian v. VHSD ES INC.*, San Diego Superior Court Case No. 37-2019-00018927-
27 CU-OE-CTL; *Miller v. Stanbridge University*, Orange County Superior Court Case No. 30-2021-
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01206298-CU-OE-CXC; *Romano v. SSA Terminals, LLC*, Los Angeles Superior Court Case No. 20STCV29048; *Wise v. Le Petite Academy, Inc.*, San Joaquin Superior Court Case No., STK-CV-UOE-2021-10561; *Chambers v. SOMACIS, Inc.*, San Diego Superior Court Case No. 37-2021-00033445-CU-OE-CTL; *Johnson v. FS Palo Alto Employment, Inc.*, Santa Clara Superior Court Case No. 21CV389927; *Rodriguez v. U.S. Bank National Association*, Los Angeles Superior Court Case No. BC617356; *Moss v. Sares Regis Operating Company, L.P.*, Orange County Superior Court Case No. 30-2021-01201041-CU-OE-CXC; and *Rodriguez v. City National Bank*, Los Angeles Superior Court Case No. 20STCV29761.

18. At the time the Parties negotiated the Settlement Agreement, I did not have a final tally of the litigation costs incurred to date. As such, the Parties included a maximum amount that could be attributed to costs under the settlement. To date, Diversity Law Group has incurred costs in the amount of \$12,451.29 for litigation related expenses. Attached hereto as **Exhibit 2** is a true and correct copy of the cost report.

UNCASHED CHECKS

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

NOTICE TO LWDA

20. On December 3, 2024, Class Counsel uploaded the Court’s Order Granting Preliminary Approval to the LWDA’s website. Attached hereto as **Exhibit 3** is a true and correct copy of the confirmation.

21. Concurrent with the filing of the Motion for Final Approval, my office uploaded the Motion, Agreement, and proposed order to the LWDA’s website. Attached hereto as **Exhibit 4** 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 February 18, 2025, at Los Angeles, California.

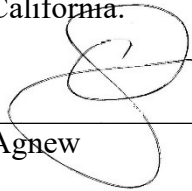
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7 Kristen M. Agnew
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EXHIBIT 1

Maravilla v. LCS Community Employment LLC
Time and Task Chart for Kristen Agnew

Hours	Description of Work
6.30	Review intake notes; conduct legal research re theories of liability and prepare memorandum to file re same; confer with co-counsel re evaluation of claims and likely defenses.
2.70	Draft PAGA notice and class action complaint; confer with co-counsel re same.
2.20	Confer with co-counsel re stipulation to continue the responsive pleading deadline and conversations with defense counsel re factual basis of lawsuit.
1.10	Draft first amended class and representative action settlement.
1.40	Meet and confer with defense counsel re August 4, 2022 case management conference; prepare case management conference statement.
2.90	Draft requests for production of documents (set one) and special interrogatories (set one).
.50	Meet and confer with defense counsel re extensions to respond to discovery; confer with co-counsel re same.
5.60	Review Defendant's responses to requests for production of documents (set one) and special interrogatories (set one) and document production; draft memorandum to file re deficiencies; continued meet and confer discussions re same; confer with co-counsel re same.
1.40	Draft stipulation to continue the motion for class certification; confer with co-counsel re same.
11.70	Draft PMK deposition notice; prepare PMK deposition outline; confer with co-counsel re same
1.20	Continued meet and confer discussions re mediation.
.50	Draft stipulation to continue the motion for class certification; confer with co-counsel re same.
5.30	Continued meet and confer discussions re merits of class certification; legal research and analysis re same; confer with co-counsel re same.
2.90	Continued meet and confer discussions re production of statewide class data; confer with co-counsel re same.
3.10	Review and revise motions to compel further responses to requests for production of documents (set one) and special interrogatories (set one) and supporting declarations; conduct legal analysis re same; confer with co-counsel re same.
2.70	Continued meet and confer discussions re compromise of issues raised in motions to compel; confer with co-counsel re same; conduct research re entities operated by Defendant.

Hours	Description of Work
.50	Review and revise stipulation to continue hearing on Plaintiff's motions to compel; confer with co-counsel re same.
1.20	Review and analyze Defendant's further responses to requests for production of documents (set one) and special interrogatories (set one); confer with co-counsel re same.
2.60	Draft <i>Belaire-West</i> notice; confer with co-counsel re same.
1.80	Draft informal discovery requests for putative class data for mediation; confer with co-counsel re same.
5.30	Conduct legal research re recent temperature check cases; prepare analysis re risk of summary judgment.
2.20	Prepare for and participate in pre-mediation call with defense counsel and Michael Loeb; confer with co-counsel re same.
4.90	Legal research and statutory analysis re PREP Act preemption; prepare memorandum to file; confer with co-counsel re same.
3.50	Review and analyze putative class data for mediation; prepare exposure analysis; confer with co-counsel re same.
22.20	Draft mediation statement; legal research re same; review Defendant's mediation statement; confer with co-counsel re same; attend all day mediation.
2.70	Review terms of mediator's proposal; confer with mediator re modification of terms; confer with co-counsel re same
3.90	Draft memorandum of understanding; continued meet and confer discussions re revisions to MOU.
7.40	Draft joint stipulation of class and representative action settlement ("settlement agreement"); confer with defense counsel and co-counsel re revisions to settlement agreement; review and incorporate proposed revisions to settlement agreement.
11.20	Draft motion for preliminary approval and supporting declarations; confer with co-counsel re same.
2.90	Review court's tentative ruling re motion for preliminary approval; confer with settlement administrator regarding distribution of notice of class action settlement; continued meet and confer discussions re notice to current employees; review and finalize class notice; analyze and review reports from class administrator; confer with class members re terms of settlement.
8.80	Draft and revise motion for final approval and supporting declarations; conduct legal research re same.
132.60	<u>TOTAL HOURS</u>

EXHIBIT 2



Diversity Law Group

515 South Figueroa Street, Suite 1250, Los Angeles, California, 90071

lwlee@diversitylaw.com

Invoice

Invoice #:10047

Invoice Date:02/18/2025

Terms:Upon Receipt

Due Date:02/18/2025

PO #:

Summary

Type	Description	Amount (\$)
Expenses		12451.29
Subtotal:		\$12,451.29

Discount: \$0.00

Total: \$12,451.29

Prior \$0.00

Balance:

Total Due: \$12,451.29



Invoice

Diversity Law Group

515 South Figueroa Street, Suite 1250, Los Angeles, California, 90071

lwlee@diversitylaw.com

Invoice #:10047

Invoice Date:02/18/2025

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Due Date:02/18/2025

PO #:

Details - Maravilla, Thalia v. LCS Community Employment LLC

Expenses

Category	Date	Expense Code	Description	Amount (\$)
	03/23/2022	3/25/2022 E112 Court fees	Odyssey - ComplaintOdyssey - Complaint	1478.06
	04/08/2022	E112 Court fees	Odyssey - POS of SummonsOdyssey - POS of Summons	3.60
	03/28/2022	Attorney Service	Attorney Service - Complaint Service	73.85
	03/31/2022	Photocopies	PhotocopiesPhotocopies	0.25
	03/31/2022	E108 Postage	PostagePostage	6.13
	06/03/2022	E112 Court fees	Odyssey - FACOdyssey - FAC	3.60
	07/20/2022	E112 Court fees	Odyssey - CMSOdyssey - CMS	3.60
	02/15/2023	E112 Court fees	ACE E Filing - Stip to Cont MCC Deadline	35.19
	03/27/2023	E112 Court fees	Odyssey - NOEOdyssey - NOE	3.60
	03/23/2023	Attorney Service	Attorney Service - Obtained StipAttorney Service - Obtained Stip	271.64
	05/10/2023	E112 Court fees	Odyssey - Stip to Cont Class Cert & CMC	24.15
	07/03/2023	E121 Arbitrators/mediators	JAMS Mediation (\$4106.25 - 3631.25 refund	475.00
	08/07/2023	E112 Court fees	Odyssey - MTCsOdyssey - MTCs	126.90
	09/05/2023	E112 Court fees	Odyssey - Amended Notice of MTC	3.60
	02/02/2024	E112 Court fees	Odyssey - StipOdyssey - Stip	24.15
	02/08/2024	E112 Court fees	Odyssey - NOEOdyssey - NOE	3.60
	02/13/2024	E112 Court fees	Odyssey - Withdrawal of MTCsOdyssey - Withdrawal of	3.60



Invoice

Invoice #:10047

Diversity Law Group

Invoice Date:02/18/2025

515 South Figueroa Street, Suite 1250, Los Angeles, California, 90071

Terms:Upon Receipt

lwlee@diversitylaw.com

Due Date:02/18/2025

PO #:

			MTCs	
	02/14/2024	E112 Court fees	Odyssey - CMSOdyssey - CMS	3.60
	03/05/2024	E121 Arbitrators/mediators	JAMS MediationJAMS Mediation	9500.00
	04/18/2024	E112 Court fees	Odyssey - CMSOdyssey - CMS	3.60
	04/29/2024	E112 Court fees	Odyssey - Notice of Change of Attorney	3.60
	03/26/2024	E111 Meals	MealsMeals	31.36
	09/06/2024	E112 Court fees	Odyssey - Stip to Cont CMCOdyssey - Stip to Cont CMC	24.50
	10/01/2024	E112 Court fees	Odyssey - MPAAOdyssey - MPA	96.07
	03/28/2024	E111 Meals	MealMeal	7.56
	12/03/2024	E112 Court fees	Odyssey - NOEOdyssey - NOE	4.50
	01/06/2025	E112 Court fees	Odyssey - Stip to ContOdyssey - Stip to Cont	37.71
	03/04/2022	E112 Court fees	LWDALWDA	75.00
	05/22/2023	E112 Court fees	Odyssey - Notice of Remote Appearance	3.60
	02/27/2024	E112 Court fees	Odyssey - Notice of Remote Appearance	3.60
	04/29/2024	E112 Court fees	Odyssey - Notice of Remote Appearance	3.60
	11/14/2024	E112 Court fees	Odyssey - Notice of Remote Appearance	4.50
Court Fees	01/21/2025		Odyssey - Notice of Remote Appearance	5.95
Court Fees	02/11/2025		Est Odyssey - MFA Fees	96.07
Court Fees	02/11/2025		Est Odyssey - Notice of Remote Appearance	5.95
Subtotal:				\$12,451.29
Tax:				\$0.00
Total:				\$12,451.29

EXHIBIT 3

From: [DIR PAGA Unit](#)
To: [Olympia Pena](#)
Subject: Thank you for your Court Order or Judgment Submission
Date: Tuesday, December 3, 2024 5:04:40 PM

12/03/2024 05:04:23 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 4