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Attorneys for Plaintiff and the Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIC CHAVEZ, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

CONVERSE, INC., a Delaware
corporation; and DOES 1 through 50,
inclusive,
Defendants.

Case No.: 15-cv-03746-NC

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

Date: November 20, 2020
Time: 1:00 p.m.
Courtroom: 5, 4th Floor
Judge: Hon. Nathanael Cousins

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, P.C., counsel of record for Plaintiff Eric Chavez ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I am one of the primary attorneys on this matter. 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.

3. 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 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.

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

5. 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*

1 *Roberts v. Zale Delaware, Inc.*, Los Angeles Superior Court Case No. BC523610; *Michael Oliver v.*
 2 *Konica Minolta Business Solutions U.S.A., Inc.*, Santa Clara County Superior Court Case No. 114-CV-
 3 263183; *Tessa Hodge v. Zale Delaware, Inc., d/b/a Piercing Pagoda*, San Bernardino Superior Court
 4 Case No CIVVS1301632; *Warren v. Paychex, Inc.*, N.D. Cal. Case No. 3:10-cv-02006; *Tapia v. Zale*
 5 *Delaware Inc. et al*, S.D. Cal. Case No. 3:13-cv-01565; and *Benjamin Burgess et al v. Tesoro Refining*
 6 *and Marketing Company et al*, C.D. Cal. Case No. 2:10-cv-05870.

7 6. I have been approved as class counsel in a number of class actions by the Superior Courts
 8 of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC Industrial*
 9 *Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew Vasquez v.*
 10 *Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171; *Fransisco Pulido v.*
 11 *Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-18-00074; *Kosal So v. Owens-*
 12 *Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case No. BC608609; *John Obiols*
 13 *v. Lockheed Martin Corporation*, Santa Clara County Superior Court Case No. 17CV314178; and *Eric*
 14 *Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-NC.

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

20 8. To date, I have incurred approximately 80.90 hours in connection with the litigation of
 21 this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have spent on this case to date.

22 9. The total lodestar for my hours will be approximately \$56,630 based on an hourly rate of
 23 \$700.00 per hour. Since at least 2017, I have been approved at an hourly rate of \$650.00 per hour by
 24 various Courts, in a number of matters, including: *Antonio Becerra-Mata v. PSC Industrial Outsourcing,*
 25 *LP*, San Benito County Superior Court Case No. CU-15-00030; *Kosal So v. Owens-Brockway Glass*
 26 *Container, Inc.*, Los Angeles County Superior Court Case No. BC608609; *Sarah Rodriguez v.*
 27 *Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-16-CV-294904; *Shannon Sanchez v.*
 28 *American Para Professional Systems, Inc.*, Santa Clara County Superior Court Case No. 17CV306751.

10 Executed on this 16th day of October, 2020, at Los Angeles, California.

DECLARATION OF KRISTEN M. AGNEW IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

EXHIBIT A

Chavez v Converse, Inc.
Time and Task Chart for Kristen M. Agnew

Hours	Description of Work
4.20	Review key pleadings, including Complaint, Motion for Class Certification, Defendant's Opposition to the Motion for Class Certification and the discovery file.
5.80	Review and analyze Plaintiff's deposition transcript.
7.20	Review and summarize deposition transcript of Rule 30(b)(6) witness Corey May.
6.30	Review and summarize deposition transcript of Rule 30(b)(6) witness Kimberley Kiefer.
9.10	Review and revise Reply in Support of Motion for Class Certification, draft declaration in support of reply brief; conduct legal research regarding same.
2.80	Review and analyze Defendant's Motion for Summary Judgment against Certified Class; confer with co-counsel regarding same.
4.60	Review and revise Plaintiff's Motion for Partial Summary Judgment; legal research regarding same.
5.50	Prepare for and take the deposition of class member, Martinez Julian Urvano.
2.40	Review and revise Plaintiff's Opposition to Defendant's Motion for Summary Judgment against Certified Class; legal research re same; confer with co-counsel regarding same.
1.70	Review and analyze Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment; confer with co-counsel regarding same.
3.20	Review and revise Plaintiff's Reply in Support of Motion for Partial Summary Judgment; legal research regarding same; confer with co-counsel regarding same.
2.40	Review and analyze Order Granting Defendant's Motion for Summary Judgment and Denying Plaintiff's Motion for Partial Summary Judgment; confer with co-counsel regarding same.
2.50	Review and analyze Ninth Circuit ruling; confer with co-counsel regarding same and litigation strategy following remand to trial court.
2.90	Review and revise Plaintiff's Motion for Partial Summary Judgment; confer with co-counsel regarding same.
1.10	Review and analyze Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment.
1.60	Review and revise Reply in Support of Plaintiff's Motion for Partial Summary Judgment; confer with co-counsel regarding same.

Hours	Description of Work
2.40	Review and analyze Court's Order partially granting Defendant's Motion for Summary Judgment; confer with co-counsel regarding same and trial strategy.
2.00	Review and analyze Defendant's Motion for Summary Judgment, or Alternatively, Partial Summary Judgment; confer with co-counsel regarding same.
1.40	Review and revise Plaintiff's Opposition to Defendant's Motion for Summary Judgment, or Alternatively, Partial Summary Judgment; legal research regarding same.
8.80	Prepare for and attend mediation, including review of mediation statement and damages analysis.
1.70	Review and revise Motion for Preliminary Approval and supporting declaration.
1.30	Review and revise Motion for Final Approval and supporting declaration.
80.90	TOTAL