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Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF TUOLUMNE

ANDREA OTANEZ VERDUGO
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

CAPSTONE LOGISTICS, LLC, a
Delaware limited liability company with its
principal place of business in Georgia, and
DOES 1 to 100, inclusive,

Defendant.

Case No.: CV66120

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

Date: July 31, 2026
Time: 8:30 a.m.
Dept.: 5

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

4 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
5 California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiffs
6 Corey Devine, Jermaine Willis, and Sherri King ("Plaintiffs"). I have personal knowledge of the
7 facts set forth below and if called to testify I could and would do so competently.

8 2. From the inception of the case, Class Counsel has zealously represented the
9 interests of the Class. I have no conflicts with the Class and will adequately represent the Class.

10 3. Based on my involvement in this litigation, my review of the evidence and
11 settlement data, the procedural history of the related actions, and my experience litigating wage
12 and hour class and PAGA matters, I am of the opinion that the Class Action and PAGA Settlement
13 Agreement ("Agreement" or "Settlement Agreement") is fair, reasonable, and adequate and serves
14 the best interests of the Class. This opinion is informed not only by the risks and uncertainties
15 inherent in continued litigation, but also by the history of this case, including the prior proposed
16 settlement, the intervention efforts that followed, the additional negotiations involving multiple
17 plaintiffs and counsel, and the eventual resolution reached after mediation before Judge Hogue.
18 The Settlement now before the Court provides a substantially improved, non-reversionary
19 monetary recovery for the Class and aggrieved employees, while avoiding the significant expense,
20 delay, certification risks, manageability issues, and merits risks that would accompany continued
21 litigation through class certification, trial, and potential appeal.

22 4. My qualifications are as follows: I was the 2003 recipient of the Spelman
23 Presidential Scholarship to Emory University School of Law. During law school, I was a summer
24 associate at the law firm of Sonnenschein, Nath and Rosenthal, and clerked with the Atlanta office
25 of the Equal Employment Opportunity Commission. I received my J.D. from Emory University in
26 2006 and was admitted to the California Bar in December 2006. Following law school, I was an
27 associate at Sonnenschein from September 2006 to May 2009.
28

1 5. Since 2009, my primary area of practice has been employment litigation. I have
2 practiced law at two pre-eminent employment defense firms. From May 2009 to June 2011, I was
3 an associate at Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I was also an associate, and then
4 senior associate, in the labor and employment practice group of Seyfarth Shaw, LLP from June
5 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of fortune 500
6 companies in employment litigation in both state and federal courts, as well as before government
7 agencies, including the California Department of Labor. My practice included the defense of single
8 plaintiff and multi-plaintiff lawsuits involving claims under the California Fair Employment and
9 Housing Act, the California Labor Code and the Fair Labor Standards Act. I also handled a number
10 of wage and hour class actions, including *Martha Cardenas v. Gold's Gym*, Los Angeles County
11 Superior Court Case No. BC445112; *Nathaniel Werner v. Crown Equipment Corporation*, Los
12 Angeles County Superior Court Case No. BC439428; *Christopher Williams v. Allstate Insurance*
13 *Co.*, Los Angeles County Superior Court Case No. BC382577; *Hwang v. Caltech*, Los Angeles
14 County Superior Court Case No. BC464894; *Melissa Roberts v. Zale Delaware, Inc.*, Los Angeles
15 Superior Court Case No. BC523610; *Michael Oliver v. Konica Minolta Business Solutions U.S.A.,*
16 *Inc.*, Santa Clara County Superior Court Case No. 114-CV-263183; *Tessa Hodge v. Zale*
17 *Delaware, Inc., d/b/a Piercing Pagoda*, San Bernardino Superior Court Case No CIVVS1301632;
18 *Warren v. Paychex, Inc.*, N.D. Cal. Case No. 3:10-cv-02006; *Tapia v. Zale Delaware Inc. et al*,
19 S.D. Cal. Case No. 3:13-cv-01565; and *Benjamin Burgess et al v. Tesoro Refining and Marketing*
20 *Company et al*, C.D. Cal. Case No. 2:10-cv-05870.
21

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

24 7. I have been approved as class counsel in numerous other wage/hour class actions
25 that have been granted class certification and final approval, including: *Antonio Becerra-Mata v.*
26 *PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030;
27 *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case No.
28 BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-

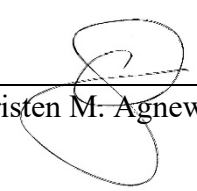
1 16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara
2 County Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara County
3 Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County
4 Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*,
5 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 Superior
10 Court Case No. STK-CV-UOE-2018-0004414; *Eric Chavez v. Converse, Inc.*, U.S. District Court
11 for the Northern District of California Case No. 15-cv-03746-NC; *Jharett Siron v. Raypak, Inc.*,
12 Ventura County Superior Court Case No. 56-2019-00527959-CU-OE-VTA; *Prexxie Pascual and*
13 *Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara Superior Court Case No. 19CV345211;
14 and *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior Court Case No. 19CV341582.

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16 8. 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 & Whitney*
20 *Rocketdyne Inc. et al.*, Los Angeles County Superior Court Case No. BC468909. More recently, I
21 was lead trial counsel on two bench trials, in which the plaintiffs were the prevailing party. The
22 cases are: *Esteban Palomino v. Northrop Grumman Systems Corporation*, Santa Clara County
23 Superior Court Case No. 19CV345534; and *Jose Delgado v. Taylor Farms California, Inc.*,
24 Monterey County Superior Court Case No. 18CV001381.

25 9. I have no financial interest in, or relationship with, the designated *cy pres* recipient,
26 Public Citizen Foundation.
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2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct.

4 Executed on this 25th of June 2026, at Los Angeles, California.

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8 Kristen M. Agnew
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