

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

WILLIAM L. MARDER, ESQ. (State Bar No. 170131)
Polaris Law Group LLP
501 San Benito Street, Suite 200
Hollister, CA 95023
Tel: (831) 531-4214
Fax: (831) 634-0333

Attorneys for Plaintiff and the Class

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

JOSE VASQUEZ RUIZ, as an individual
and on behalf of all others similarly
situated,

Plaintiff,

vs.

PERDUE FOODS, LLC., a Maryland
limited liability company; and DOES 1
through 50, inclusive,

Defendants.

Case No.: SCV 264649

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

Date: May 12, 2021

Time: 3:00 P.M.

Dept.: 16

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

I, KRISTEN M. AGNEW, declare under penalty of perjury as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California and am a member of the law firm Diversity Law Group, P.C., attorneys of record for Plaintiff Jose Vasquez Ruiz (“Plaintiff”), as an individual and on behalf of all others similarly situated, in the above entitled action. I have personal knowledge of the matters set forth herein, and if called upon as a witness to testify thereto, I could and would do so competently.

2. The Notice of Class Action Settlement (“Notice”) provided Class Members with my office’s contact information, where they could further seek information regarding the class settlement, leave questions for the Settlement Administrator, and update their address.

3. There were no objections to the amount of attorneys' fees or litigation costs that Class Counsel seek in this case and for which Plaintiff asks the Court for final approval.

4. The Settlement Agreement was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including the exchange of formal and informal discovery. Plaintiff served written discovery, which called for Defendant to identify the number of putative class members and wage statements at issue, and provide the contact information of putative class members. In response to discovery, Defendant represented that it employed approximately 576 Class Members during the Class Period (May 26, 2019 to July 17, 2020). Defendant further represented that Class Members received 22,913 wage statements for overtime or double overtime work performed during the Class Period. Using the data provided by Defendant, I performed a comprehensive damages analysis, and negotiated the settlement amount based on a clear understanding of the maximum exposure in this case.

5. The settlement in the case at bar warrants approval and carries a presumption of fairness. As previously noted in the application for Preliminary Approval, this current settlement was negotiated at arm's length. I support the settlement as fair, reasonable, and adequate, and in the best interest of the Class Members as a whole.

1 6. My firm has a great deal of experience in wage and hour class action litigation and
2 has been approved as class counsel in a number of class actions.

3 7. I am one of the primary attorneys on this matter. My qualifications are as follows: I
4 was the 2003 recipient of the Spelman Presidential Scholarship to Emory University School of
5 Law. During law school, I was a summer associate at the law firm of Sonnenschein, Nath and
6 Rosenthal, and clerked with the Atlanta office of the Equal Employment Opportunity Commission.
7 I received my J.D. from Emory University in 2006 and was admitted to the California Bar in
8 December 2006. Following law school, I was an associate at Sonnenschein from September 2006
9 to May 2009.

10 8. Since 2009, my primary area of practice has been employment litigation. I have
11 practiced law at two preeminent employment defense firms. From May 2009 to June 2011, I was
12 an associate at Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I was also an associate, and then
13 senior associate, in the labor and employment practice group of Seyfarth Shaw, LLP from June
14 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of fortune 500
15 companies in employment litigation in both state and federal courts, as well as before government
16 agencies, including the California Department of Labor. My practice included the defense of single
17 plaintiff and multi-plaintiff lawsuits involving claims under the California Fair Employment and
18 Housing Act, the California Labor Code and the Fair Labor Standards Act. I also handled a
19 number of wage and hour class actions.

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

22 10. I served as the lead associate on a number of wage and hour class actions, including
23 *Martha Cardenas v. Gold's Gym*, Los Angeles County Superior Court Case No. BC445112;
24 *Nathaniel Werner v. Crown Equipment Corporation*, Los Angeles County Superior Court Case
25 No. BC439428; *Christopher Williams v. Allstate Insurance Co.*, Los Angeles County Superior
26 Court Case No. BC382577; *Hwang v. Caltech*, Los Angeles County Superior Court Case No.
27 BC464894; *Melissa Roberts v. Zale Delaware, Inc.*, Los Angeles Superior Court Case No.
28 BC523610; *Michael Oliver v. Konica Minolta Business Solutions U.S.A., Inc.*, Santa Clara County

1 Superior Court Case No. 114-CV-263183; *Tessa Hodge v. Zale Delaware, Inc., d/b/a Piercing*
2 *Pagoda*, San Bernardino Superior Court Case No CIVVS1301632; *Warren v. Paychex, Inc.*, N.D.
3 Cal. Case No. 3:10-cv-02006; *Tapia v. Zale Delaware Inc. et al*, S.D. Cal. Case No. 3:13-cv-
4 01565; and *Benjamin Burgess et al v. Tesoro Refining and Marketing Company et al*, C.D. Cal.
5 Case No. 2:10-cv-05870.

6 11. I have been approved as class counsel in a number of class actions by the Superior
7 Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC*
8 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew*
9 *Vasquez v. Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171;
10 *Fransisco Pulido v. Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-18-
11 00074; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court
12 Case No. BC608609; *John Obiols v. Lockheed Martin Corporation*, Santa Clara County Superior
13 Court Case No. 17CV314178; *Eric Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-
14 NC.; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-16-CV-
15 294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County
16 Superior Court Case No. 17CV306751; *Foaad Hanna v. Equinix, LLC*, Santa Clara County
17 Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles County
18 Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community Hospital*,
19 Santa Cruz Superior Court Case No. 18CV00191; and *Michael Randolph v. Pacific Racing*
20 *Association*, Alameda County Superior Court Case No. RG18908139.

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

26 13. To date, I have incurred approximately 84.60 hours in connection with the litigation
27 of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date. I
28 also anticipate spending an additional six hours conferring and reviewing e-mails and other written

1 communications with counsel for Defendant, the Settlement Administrator, and Class Members
2 regarding post final approval matters, including payments and related issues.

3 14. The total lodestar for my hours will be approximately \$63,420 based on an hourly
4 rate of \$700.00 per hour. Since at least 2017, I have been approved at an hourly rate of \$650.00 per
5 hour by various Courts, in a number of matters, including: *Antonio Becerra-Mata v. PSC*
6 *Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Kosal So*
7 *v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case No.
8 BC608609; *Sarah Rodriguez v. Manpower, Inc.*, Santa Clara County Superior Court Case No. 1-
9 16-CV-294904; *Shannon Sanchez v. American Para Professional Systems, Inc.*, Santa Clara
10 County Superior Court Case No. 17CV306751. More recently, I have been approved at an hourly
11 rate of \$700.00 per hour by the following courts: *Foaad Hanna v. Equinix, LLC*, Santa Clara
12 County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles
13 County Superior Court Case No. BC720144; *Mary Della Maggiora v. Watsonville Community*
14 *Hospital*, Santa Cruz Superior Court Case No. 18CV00191; and *Michael Randolph v. Pacific*
15 *Racing Association*, Alameda County Superior Court Case No. RG18908139.

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

18 Executed this 20th day of April 2021, at Los Angeles, California.

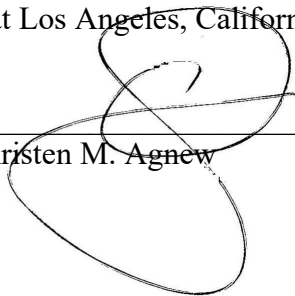
19
20 
21 _____
22 Kristen M. Agnew
23
24
25
26
27
28

EXHIBIT A

Jose Vasquez Ruiz v. Perdue Foods, LLC
KA Time and Task Chart

Hours	Description of Work
4.80	Initial research and review of background facts in preparation for filing of class action claims; confer with co-counsel re theories of liability and conduct research re same.
1.90	Draft PAGA letter and Class and Representative Action Complaint for Damages.
6.50	Meet and confer with defense counsel re Defendant's intention to file a demurrer to the Complaint based on the prior class action settlement in the <i>Angelica Gutierrez, et al. vs. Petaluma Acquisition, LLC, et al.</i> ; analyze and review <i>Gutierrez</i> settlement agreement, approval motions and approval order; confer with co-counsel re same.
5.20	Analyze and review Defendant's demurrer to Complaint; conduct legal research re basis to oppose demurrer; confer with co-counsel re same.
2.60	Meet and confer with defense counsel re First Amended Class Action Complaint ("FAC"); prepare FAC and joint stipulation re FAC.
.40	Analyze and review Defendant's Answer to FAC.
3.10	Confer with defense counsel regarding Oct. 22, 2019 Case Management Conference; draft plaintiff's case management conference statement; analyze and review Defendant's case management conference statement; prepare for and appear at Oct. 22, 2019 case management conference; prepare memorandum to file re same.
1.90	Draft Plaintiff's Requests for Production of Documents (Set One) and Interrogatories (Set One).
1.70	Draft PMK Deposition Notice; meet and confer with defense counsel re PMK deposition; confer with co-counsel re PMK deposition.
3.60	Analyze and review Defendant's responses to Requests for Production of Documents (Set One), Interrogatories (Set One); meet and confer with defense counsel re responses; prepare memorandum to file re same.
2.40	Conduct legal research re availability of discovery sanctions; prepare memorandum to file re same.
12.20	Prepare Motion to Compel Further Responses to Special Interrogatories (Set One) and supporting documents; review and analyze Defendant's opposition to Motion to Compel; draft Reply in Support of Motion to Compel; review Court's tentative ruling re Motion to Compel.
2.10	Analysis, strategy, and research re information required from Defendant to engage in settlement negotiations; draft and revise data requests for defense counsel.

Hours	Description of Work
3.90	Research re recently approved class and representative PAGA actions that include a Labor Code section 226(a) violation.
2.70	Analyze and review policies and data provided by defense counsel to evaluate liability; prepare analysis of liability and damages exposure model; confer with co-counsel re same.
8.30	Draft and revise Joint Stipulation of Class Action and PAGA Settlement and proposed settlement notice to class members; confer with defense counsel re proposed class administrator and <i>cy pres</i> ; confer with co-counsel re same.
9.90	Draft and revise Motion for Preliminary Approval and supporting documents; conduct legal research re preliminary approval of class action settlements; confer with co-counsel re same.
.50	Analyze and review Court's preliminary approval order; confer with co-counsel re same.
1.10	Draft Stipulation re Final Approval Hearing Date; meet and confer with defense counsel re same.
1.60	Correspond with settlement administrator regarding distribution of class notice; review and finalize notice of settlement to class members; analyze and review reports from class administrator; confer with co-counsel re inquiries re settlement.
8.20	Draft and revise Motion for Final Approval and supporting declarations; conduct legal research re same; confer with settlement administrator re declaration in support of final approval.
84.60	TOTAL HOURS