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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

JED ASIS and JUSTIN WATSON

Plaintiff,

vs.

FOOT LOCKER RETAIL, INC., and DOES
1 through 50, inclusive,

Defendants.

Case No. STK-CV-UOE-2023-0000627

(Assigned to the Hon. George J. Abdallah, Dept.
10A)

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

Date: October 3, 4, 5, 10, or 11, 2023

Time: 9:00 a.m

Dept.: 10A

Complaint Filed: January 26, 2023

FAC Filed: July 25, 2023

Trial Date: Not Set

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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 Plaintiffs Kevin Johnson, Jed Asis, and Justin Watson (“Plaintiffs”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. From the inception of the case, Plaintiffs' Counsel have zealously represented the interests of the putative class.

3. Based on my own independent investigation and evaluation, I am of the opinion that the settlement for the consideration and on the terms set forth in the Joint Stipulation of Class Action and PAGA Settlement and Release is fair, reasonable, and adequate and that the settlement is in the best interests of the Class, in light of all known circumstances and the expenses and risks inherent in litigation. I also believe in the fairness of the settlement based on factoring in the uncertainty and risks to Plaintiff involved in not prevailing on the class claims at trial and the possibility of appeal.

4. Plaintiffs' Counsel have a great deal of experience in wage and hour class action litigation and have been approved as class counsel in a number of class actions. My co-counsel and I can and will adequately represent the Class Members in this action. I have no conflicts with the Class and will adequately represent the Class.

5. 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.

6. 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

1 senior associate, in the labor and employment practice group of Seyfarth Shaw, LLP from June
2 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of fortune 500
3 companies in employment litigation in both state and federal courts, as well as before
4 government agencies, including the California Department of Labor. My practice included the
5 defense of single plaintiff and multi-plaintiff lawsuits involving claims under the California Fair
6 Employment and Housing Act, the California Labor Code and the Fair Labor Standards Act. I
7 also handled a number of wage and hour class actions.

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

20 8. 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
22 the Fair Employment & Housing Act. The cases are: *Jeff Cowell v. Eaton Aerospace LLC et al*,
23 Los Angeles County Superior Court Case No. BC401543; and *Richard Gulden v. Pratt &*
24 *Whitney Rocketdyne Inc. et al.*, Los Angeles County Superior Court Case No. BC468909.

25 9. 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.

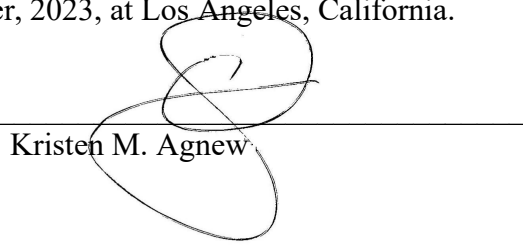
27 10. I have been approved as class counsel in numerous wage/hour class actions that
28 have been granted class certification and final approval, including: *Antonio Becerra-Mata v. PSC*

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

19 11. I do not have any conflicts of interest with Legal Aid at Work, which is the
20 proposed cy pres recipient.

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

23 Executed on this 1st day of September, 2023, at Los Angeles, California.

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Kristen M. Agnew