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Attorneys for Plaintiff, the Class, and Aggrieved Employees
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SOLANO

DIEN TRUONG, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

DS SERVICES OF AMERICA, INC., a
Delaware corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: FCS054399

[Assigned to the Hon. E. Bradley Nelson, Dept. 4]

**DECLARATION OF MAI TULYATHAN IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: July 29, 2021

Time: 9:00 A.M.

Dept.: 4

ADDITIONAL ATTORNEYS

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Attorneys for Plaintiff, the Class, and Aggrieved Employees

1 I, Mai Tulyathan, hereby declare and state as follows:

2 1. I am an attorney at law duly admitted to practice before all courts in the State of
3 California and am a member of the law firm of the Diversity Law Group, P.C., one of the
4 attorneys of record for Plaintiff Dien Truong (“Plaintiff”), in the above entitled action. I have
5 personal knowledge of the facts set forth below and if called to testify I could and would do so
6 competently.

7 2. The Settlement Agreement was the product of negotiation between highly able
8 and experienced attorneys on both sides who possessed the relevant data and extensive legal
9 research which they had carefully analyzed. Class Counsel engaged in extensive discovery and
10 factual investigation before settling, including reviewing class data produced by Defendant. This
11 allowed Plaintiff to conduct a full damage analysis.

12 3. I support the settlement as fair, reasonable, and adequate, and in the best interest
13 of the Class Members as a whole.

14 4. I am one of the primary attorneys on this matter. My qualifications are as follows:
15 I received my JD from Loyola Law School in 2017. I received the First Honors Award in Legal
16 Research and Writing, First Honors Award in Appellate Advocacy, and First Honors Award in
17 Civil Litigation Practicum I for achieving the highest grade in those classes. During law school,
18 I was a Staff Editor for Loyola Law Review. I was also an extern at the U.S. District Court,
19 Central District of California, for the Honorable Christina A. Snyder, and a certified law clerk at
20 the San Diego County District Attorney’s Office, Collaborative Courts Division, and the Los
21 Angeles County District Attorney’s Office, Consumer Protection and Environmental Crimes
22 Division. In 2016, I participated in Loyola Law School’s Scott Moot Court Competition, where I
23 placed Top 16 and was awarded the Top Ten Brief Award. In 2017, I participated in the
24 Employment Rights Clinic, an extension of the Division of Labor Standards Enforcement created
25 to investigate retaliation complaints. Upon graduation from law school, I was admitted to the
26 California Bar in December 2017.

27 5. I am currently an associate at the law firm Diversity Law Group, P.C., an
28 employment law firm that has handled numerous wage and hour class and individual actions, on

1 both plaintiff and defense sides. The firm currently has cases in numerous state courts, including
2 the Santa Clara Superior Court, Los Angeles Superior Court, Orange County Superior Court, San
3 Diego County Superior Court, Monterey County Superior Court, as well as the United States
4 District Courts for the Central, Northern, Southern, and Eastern Districts of California. I have
5 handled and am currently handling numerous wage and hour class action and PAGA lawsuits,
6 including *Magadia v. Wal-Mart Associates, Inc., et al.* (Case Number 5:17-cv-00062-LHK);
7 *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD); *Arroyo v.*
8 *Int'l Paper Company* (Case Number 5:17-cv-06211-BLF); *Baker v. California Forensic Medical*
9 *Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No.
10 17CV003723); *Westmoreland v. KinderCare Education LLC* (Case Number CGC-19-573125);
11 *Arrington v. Automatic Data Process Insurance Agency, Inc.* (Case Number 30-2019-01099994-
12 CU-OE-CXC); *Garcia v. Apex Systems, LLC, et al.* (Case Number RG19014709); *Martin v.*
13 *Wells Fargo Bank* (Case Number 19-cv-01969-JAK).

14 6. In 2018, I argued before the California Court of Appeal, Second Appellate
15 District, in the case of *Lee v. California Commerce Club, Inc.* (California Court of Appeal Case
16 Number B276171, LASC Case Number BC596924), and *Perez v. Standard Drywall, Inc.*
17 (California Court of Appeal Case Number A146819, Alameda Sup. Ct. No. RG15761142). In
18 that same year, I also assisted the firm in successfully obtaining class certification and partial
19 summary judgment by the United States District Court, Central District of California in the case
20 of *Magadia v. Wal-Mart Associates, Inc.* (Case Number 17-CV-00062-LHK). I third chaired the
21 bench trial in that same case in December 2018.

22 7. I have also been approved as class counsel in numerous other wage/hour class
23 actions. Most recently, I was approved as class counsel in the cases *Garcia v. Wal-Mart*
24 *Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan, LLC, et al.*
25 (Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (Case No. 8-17-cv-965-JLS
26 (DFM)), and *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319).
27 Moreover, I was granted final approval as class counsel in *Lao v. H & M Hennes & Mauritz, L.P.*
28 (Case No. 5:16-cv-333 EJD), *Abarca v. El Estero Car Wash, Inc. et al* (Case No. 18CV003398),

1 *Valles v. Community Hospital of the Monterey Peninsula* (Case No. 17CV003452), *Chavez v.*
2 *Hugo Boss Retail, Inc.* (Case No. 18CV322644), *Hernandez v. Wells Fargo Bank National*
3 *Ass'n, et al* (Case No. 16-CV-299319); *Baker v. California Forensic Medical Group, Inc., et al.*,
4 Judicial Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v.*
5 *Falcon Trading Company* (Case No. 19CV004512).

6 8. To date, I have incurred approximately 55.8 hours in connection with the
7 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
8 work I have incurred to date on this matter.

9 9. In addition to the hours above, I also anticipate spending an additional 10 hours
10 through the completion of this case to handle any post-final approval matters, including
11 payments from the Settlement Administrator and any related issues.

12 10. Thus, I anticipate the total amount of my fees incurred in this case to be
13 approximately \$32,900.00 based on 65.8 total hours, at an hourly rate of \$500.00 per hour. In
14 2019 and 2020, I have been approved at an hourly rate of \$450.00 per hour by various Courts in
15 a number of matters, including but not limited to, *Lao v. H & M Hennes & Mauritz, L.P.* (Case
16 No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-
17 299319), and *Abarca v. El Estero Car Wash, Inc. et al* (Case No. 18CV003398). As of January
18 1, 2021, I increased my hourly rate to \$500.00 per hour. I have been approved at the hourly rate
19 of \$500.00 in other cases in 2021, including *Baker v. California Forensic Medical Group, Inc.,*
20 *et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723) and
21 *Mendez v. Falcon Trading Company* (Case No. 19CV004512).

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

24 Executed on July 7, 2021, at Los Angeles, California.

25 
26 Mai Tulyathan

EXHIBIT A

Truong v. DS Services of America, Inc.
Time and Task Chart for Mai Tulyathan

Hours	Description of Work
4.8	Review litigation file and documents, including complaint and PAGA notice; confer with co-counsel regarding same
5.4	Draft, review, and revise case management conference statements; review documents in connection with same; meet and confer with opposing counsel regarding same
4.6	Research related cases and settlement docs and confer with co-counsel regarding impact on <i>Truong</i> ; meet and confer with opposing counsel regarding same
3.2	Review and revise Plaintiff's written discovery to Defendant
9.5	Review Defendant's discovery objections and responses to Plaintiff's written discovery, set one, and document production; meet and confer with opposing counsel regarding discovery issues
7.8	Review and revise mediation brief; review informal data for purposes of mediation
8.5	Attend mediation
8.9	Draft, review, and revise motion for preliminary approval and supporting documents; review settlement documents in connection with such
3.1	Review and revise motion for final approval and supporting documents
55.8	TOTAL HOURS