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Larry W. Lee (State Bar No. 228175)
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Attorneys for Plaintiff, the Class, and the Aggrieved Employees

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

SAKHOEUTH “KURT” SAO, individually
and on behalf of all others similarly situated,

Plaintiff,

vs.

AUTOMATED GATE SERVICES, INC., a
California corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. RIC2001904

[Assigned for all purposes to the Hon.
Sunshine S. Sykes, Dept. 6]

**DECLARATION OF MAI TULYATHAN
IN SUPPORT OF PLAINTIFF’S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: May 2, 2022

Time: 9:00 A.M.

Dept.: 6

Complaint Filed: June 1, 2020

Trial Date: None Set

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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, counsel of record for Named Plaintiff Sakhoeuth “Kurt” Sao (“Plaintiff”). I have personal knowledge of the facts set forth above and if called to testify I could and would do so competently.

3. The Joint Stipulation of Class Action Settlement, including the amendments thereto (“Settlement” or “Settlement Agreement”), entered into between Plaintiff and Defendant Automated Gate Services, Inc.’s (“Defendant”) 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 formal and informal discovery, as well as an extensive review and analysis of class data time and payroll records for putative class members, the number of current and former class members during the time period at issue, the number of wage statements at issue, the hourly rates of pay during the class period, Defendant’s employee handbook and payroll policies pertaining to payment of overtime wages, prevailing wage pay, meal and rest break, reimbursement of business expenses, and the issuance of wage statements. The Parties also engaged in a months-long negotiation process.

4. I have spent significant time researching and pursuing the claims that have been alleged in this action. Based on Class Counsel's independent investigations and evaluations, I am of the opinion that the proposed settlement is fair, reasonable, and adequate, and is in the best interests of the Class Members, in light of all known facts and circumstances, and the expenses and risks inherent in litigation. The settlement was negotiated at arm's length and conducted over the course of several months. Thus, this settlement should be granted final approval.

5. The Notice of Class Action Settlement (“Class Notice”) provided Class Members

1 with my office's contact information, where they could seek further information regarding the
2 class settlement, information as to how they can opt out or object to the settlement (as well as
3 the exclusion and objection forms that were provided to them), how to submit disputes, what
4 rights were affected, how to leave questions for the Settlement Administrator, and how to
5 update their address.

6 6. Any remaining monies from uncashed settlement checks will be distributed to
7 Legal Aid at Work. Neither Plaintiff nor Plaintiff's counsel have any relationship with or
8 connection to Legal Aid at Work.

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

22 8. I am currently an associate at the law firm Diversity Law Group, P.C., an
23 employment law firm that has handled numerous wage and hour class and individual actions, on
24 both plaintiff and defense sides. The firm currently has cases in numerous state courts,
25 including the Santa Clara Superior Court, Los Angeles Superior Court, Orange County Superior
26 Court, San Diego County Superior Court, Monterey County Superior Court, as well as the
27 United States District Courts for the Central, Northern, Southern, and Eastern Districts of
28 California. I have handled and am currently handling numerous wage and hour class action and

1 PAGA lawsuits, including *Magadia v. Wal-Mart Associates, Inc., et al.* (Case Number 5:17-cv-
2 00062-LHK); *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-
3 MDD); *Arroyo v. Int'l Paper Company* (Case Number 5:17-cv-06211-BLF); *Baker v.*
4 *California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No.
5 4999 (Lead Case No. 17CV003723); *Westmoreland v. KinderCare Education LLC* (Case
6 Number CGC-19-573125); *Arrington v. Automatic Data Process Insurance Agency, Inc.* (Case
7 Number 30-2019-01099994-CU-OE-CXC); *Garcia v. Apex Systems, LLC, et al.* (Case Number
8 RG19014709); *Martin v. Wells Fargo Bank* (Case Number 19-cv-01969-JAK).

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

17 10. I have also been certified and/or approved as class counsel in numerous other
18 wage/hour class actions. Most recently, I was certified and/or approved as class counsel in the
19 cases *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD),
20 *Richert v. Samaritan, LLC, et al.* (Case Number 17CV314186), *Song v. THC – Orange County,*
21 *Inc.* (Case No. 8-17-cv-965-JLS (DFM)), and *Hernandez v. Wells Fargo Bank National Ass'n,*
22 *et al* (Case No. 16-CV-299319). Moreover, I was granted final approval as class counsel in *Lao*
23 *v. H & M Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Abarca v. El Estero Car Wash,*
24 *Inc. et al* (Case No. 18CV003398), *Valles v. Community Hospital of the Monterey Peninsula*
25 (Case No. 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case No. 18CV322644),
26 *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319); *Baker v.*
27 *California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No.
28 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Case No.

19CV004512); *Truong v. DS Services of America, Inc.* (Case No. FCS054399).

11. To date, I have incurred approximately 129.1 hours in connection with the litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date and the description of the work performed in connection with this lawsuit.

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

13. In 2019 and 2020, I have been approved at an hourly rate of \$450.00 per hour by various Courts in a number of matters, including but not limited to, *Lao v. H & M Hennes & Mauritz, L.P.* (USDC, Northern District of California Case No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank National Ass'n, et al* (USDC, Central District of California Case No. 16-CV-299319), and *Abarca v. El Estero Car Wash, Inc. et al* (Monterey County Superior Court Case No. 18CV003398). As of January 1, 2021, I increased my hourly rate to \$500.00 per hour. I have been approved at the hourly rate of \$500.00 in other cases in 2021 and 2022, including *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Monterey County Superior Court Case No. 19CV004512); *Truong v. DS Services of America, Inc.* (Solano County Superior Court Case No. FCS054399); *Rodriguez v. Nike Retail Services, Inc.* (USDC, Northern District of California Case No. 5:14-CV-1508 BLF); *Betterton v. Accenture Flex, LLC* (Santa Clara Superior Court Case No. 20CV368771); and *Ward v. Seagate US LLC* (Santa Clara Superior Court Case No. 20CV368917).

14. My firm has incurred costs in the amount of \$2,576.43. The costs are all litigation-related costs, including court filing fees, CourtCall expenses, and expenses related to service of process. Attached hereto as **Exhibit B** is a copy of the cost report detailing all the actual costs incurred and the date said costs were incurred in connection with the prosecution of this lawsuit.

I declare under penalty of perjury under the laws of the State of California that the

1 foregoing is true and correct.

2 Executed on this 8th day of April 2022, at Los Angeles, California.

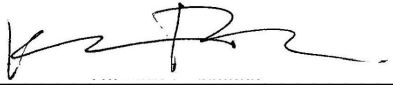
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4 _____
5 Mai Tulyathan

EXHIBIT A

Sao v. Automated Gate Services
Mai Tulyathan Time and Task Chart

Hours	Description of Work
5.9	Review client documents in connection with filing of lawsuit and throughout litigation; confer with client regarding claims
6.3	Draft PAGA letter and complaint; further review and revise same
0.3	Confer with counsel regarding service of complaint
2.0	Review court notices and Class Action Case Management Order #1
1.5	Review Defendant's responsive pleading
5.3	Confer with counsel re CMCs and case issues; review and revise multiple joint statements throughout course of lawsuit
4.2	Draft written discovery requests to Defendant, set one (Form Interrogatories, Requests for Production, Special Interrogatories); further review and revise such
9.2	Multiple telephonic conferences and e-mail correspondence with Defendant regarding informal settlement negotiations
7.8	Review informal data and payroll documents produced in connection with informal settlement negotiations
1.2	Prepare for and attend CMC; confer with counsel regarding counsel's failure to appear
5.8	Review Defendant's analysis regarding payroll reports in connection with informal settlement negotiations; conduct exposure analysis in connection based on further payroll data provided in connection with same
2.9	Multiple correspondence with Defendant regarding formal discovery
1.5	Meet and confer with Defendant regarding additional regular rate violations
3.0	Further correspondence with Defendant regarding settlement discussions and additional informal data for settlement
17.7	Draft settlement agreement, class notice, exclusion and objection forms per Court requirements; further review and revise same; confer with client regarding same
1.2	Obtain quotes and confer with settlement administrator regarding settlement administration
3.4	Further meet and confer with Defendant's counsel regarding settlement documents; further review and revise per discussions
16.4	Draft motion for preliminary approval and supporting documents; draft declaration and compliance chart; review guidelines for preliminary

	approval; meet and confer with opposing counsel regarding preliminary approval
0.6	Review Court's tentative ruling and issues regarding settlement
3.7	Draft Amendment to Stipulation; further meet and confer with opposing counsel regarding Amendment; confer with client regarding Amendment
4.2	Draft supplemental brief for preliminary approval; draft declaration; revise class notice
0.3	Review Court's tentative ruling and issues regarding settlement
2.6	Draft Second Amendment; further meet and confer with opposing counsel regarding Second Amendment; confer with client regarding Second Amendment
3.0	Draft second supplemental brief for preliminary approval and declaration; further review declaration
2.3	Review and analyze order granting preliminary approval motion and further confer with settlement administrator and opposing counsel regarding dissemination of class notice; confer with counsel regarding final approval
1.0	Review settlement administrator's weekly reports regarding opt outs and objections
15.8	Draft motion for final approval and supporting documents; draft declaration; review Court's requirements for final approval; confer with settlement administrator regarding settlement administration and notice process and confer with Defendant
129.1	TOTAL HOURS

EXHIBIT B

4/4/2022
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DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip.Classification Open
Client (hand select) Include: Sao, Sakhoeuth v. Automate
Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
61919	EXP	Olympia	1	7.40	7.40
2/28/2020		Postage			
WIP		Sao, Sakhoeuth v. Automate			
Postage					
61788	EXP	Olympia	1	75.00	75.00
3/17/2020		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
LWDA					
62611	EXP	Olympia	1	1641.00	1641.00
4/1/2020		Atty Service			
WIP		Sao, Sakhoeuth v. Automate			
Attorney Service - Complaint					
66038	EXP	Olympia	1	150.00	150.00
8/21/2020		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
Riverside E Submit					
64895	EXP	Olympia	34	0.25	8.50
10/31/2020		Photocopies			
WIP		Sao, Sakhoeuth v. Automate			
Photocopies					
64896	EXP	Olympia	1	2.50	2.50
10/31/2020		Postage			
WIP		Sao, Sakhoeuth v. Automate			
Postage					
64979	EXP	Olympia	4	0.25	1.00
10/31/2020		Photocopies			
WIP		Sao, Sakhoeuth v. Automate			
Photocopies					
64980	EXP	Olympia	1	0.50	0.50
10/31/2020		Postage			
WIP		Sao, Sakhoeuth v. Automate			
Postage					

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DIVERSITY LAW GROUP
Slip Listing

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
65449	EXP	Olympia	4	0.25	1.00
11/30/2020		Photocopies			
WIP		Sao, Sakhoeuth v. Automate			
Photocopies					
65450	EXP	Olympia	1	0.50	0.50
11/30/2020		Postage			
WIP		Sao, Sakhoeuth v. Automate			
Postage					
66119	EXP	Olympia	3	0.25	0.75
1/31/2021		Photocopies			
WIP		Sao, Sakhoeuth v. Automate			
Photocopies					
66120	EXP	Olympia	1	0.50	0.50
1/31/2021		Postage			
WIP		Sao, Sakhoeuth v. Automate			
Postage					
67042	EXP	Olympia	3	0.25	0.75
3/31/2021		Photocopies			
WIP		Sao, Sakhoeuth v. Automate			
Photocopies					
67043	EXP	Olympia	1	0.51	0.51
3/31/2021		Postage			
WIP		Sao, Sakhoeuth v. Automate			
Postage					
68191	EXP	Erika Mejia	1	15.39	15.39
7/23/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
One Legal - Statement					
68249	EXP	Erika Mejia	1	15.39	15.39
7/30/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
One Legal - Request for Dismissal					
68297	EXP	Erika Mejia	1	16.47	16.47
8/5/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
One Legal - Notice of Entry of Order					
68589	EXP	Erika Mejia	1	12.70	12.70
8/20/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
ACE E Filing - Joint CMC Statement					

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Slip Listing

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
68825	EXP	Olympia	3	0.25	0.75
8/31/2021		Photocopies			
WIP		Sao, Sakhoeuth v. Automate			
Photocopies					
68826	EXP	Olympia	1	0.51	0.51
8/31/2021		Postage			
WIP		Sao, Sakhoeuth v. Automate			
Postage					
69083	EXP	Christine Choo	1	74.50	74.50
9/28/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
ACE E Filing - MPA					
69084	EXP	Olympia	1	12.70	12.70
9/28/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
ACE E Filing - Proposed Order					
69315	EXP	Olympia	1	12.70	12.70
10/13/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
ACE E Filing - Joint Status Report					
69701	EXP	Christine Choo	1	4.90	4.90
11/8/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
ACE E Filing - Supp Decl & Brief iso MPA					
69715	EXP	Olympia	1	4.90	4.90
11/10/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
ACE E Filing - Joint Status Report					
69849	EXP	Olympia	1	4.90	4.90
12/3/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
ACE E Filing - Notice of Status Conference					
70111	EXP	Christine Choo	1	4.90	4.90
12/14/2021		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
ACE E Filing - Supp Brief					
70653	EXP	Olympia	1	5.81	5.81
2/7/2022		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
ACE E Filing - Joint CMS					

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Slip Listing

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
71296	EXP	Olympia	1	500.00	500.00
4/4/2022		Court fees			
WIP		Sao, Sakhoeuth v. Automate			
Filing Fees					
Grand Total					
			Billable	0.00	2576.43
			Unbillable	0.00	0.00
			Total	0.00	2576.43