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

CINTHIA MENDOZA and DELISHIA
HYDE, as individuals and on behalf of all
others similarly situated,

Plaintiffs,

vs.

PRIME NOW LLC, a Delaware limited
liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: RG20068286

(Assigned to the Hon. Evelio Grillo, Dept. 21)

**DECLARATION OF KWANPORN “MAI”
TULYATHAN IN SUPPORT OF
PLAINTIFFS’ MOTION FOR FINAL
APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: August 8, 2023

Time: 10:00 A.M.

Dept.: 21

Reservation No.: 138916486157

Complaint Filed: July 21, 2020

FAC Filed: April 5, 2022

SAC Filed: November 4, 2022

Trial Date: None Set

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

07/17/2023 at 04:50:14 PM

By: Miya Williams,
Deputy Clerk

1 **DECLARATION OF KWANPORN “MAI” TULYATHAN**

2 I, Kwanporn “Mai” Tulyathan, declare as follows:

3 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
4 California, and am with the law firm Diversity Law Group, counsel of record for Plaintiffs
5 Delishia Hyde, Clara Trotter, Eugenia Dubose, and Araya Turner (collectively, “Plaintiffs”). I
6 have personal knowledge of the facts set forth below and if called to testify I could and would do
7 so competently.

8 2. The Class Action Settlement Agreement and Release (“Settlement Agreement” or
9 “Agreement”) was the product of negotiation between highly able and experienced attorneys on
10 both sides who possessed the relevant data and extensive legal research which they had carefully
11 analyzed.

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

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

1 5. I am currently an associate at the law firm Diversity Law Group, P.C., an
2 employment law firm that has handled numerous wage and hour class and individual actions, on
3 both plaintiff and defense sides. The firm currently has cases in numerous state courts, including
4 the Santa Clara Superior Court, Los Angeles Superior Court, Orange County Superior Court, San
5 Diego County Superior Court, Monterey County Superior Court, as well as the United States
6 District Courts for the Central, Northern, Southern, and Eastern Districts of California.

7 6. I am currently handling and/or have handled numerous wage and hour class action
8 and PAGA lawsuits, including *Magadia v. Wal-Mart Associates, Inc., et al.* (Case Number 5:17-
9 cv-00062-LHK); *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-
10 MDD); *Hernandez v. Wells Fargo Bank, N.A.* (Case Number 16CV299319); *Lao v. H & M*
11 *Hennes & Mauritz, L.P.* (Case Number 5:16-cv-333 EJD); *Arroyo v. Int'l Paper Company* (Case
12 Number 5:17-cv-06211-BLF); *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial
13 Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); and *Garcia v. Apex*
14 *Systems, LLC, et al.* (Case Number RG19014709).

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

23 8. I have also been approved as class counsel in numerous other wage/hour class
24 actions. Most recently, I was approved as class counsel in the cases *Garcia v. Wal-Mart*
25 *Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan, LLC, et al.*
26 (Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (Case No. 8-17-cv-965-JLS
27 (DFM)), and *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319).
28 Moreover, I was granted final approval as class counsel in *California Forensic Medical Group*

1 *Wage and Hour Cases* (Case No. JCCP4999), *Valles v. Community Hospital of the Monterey*
2 *Peninsula* (Case No. 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case No. 18CV322644),
3 *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319), *Mendez v.*
4 *Falcon Trading Company* (Case No. 19CV004512), *Khan v. Amy's Kitchen, Inc.* (Case No. SCV-
5 266127), and *Truong v. DS Services of America, Inc.* (Case No. FCS054399). I acted as lead
6 counsel in these cases listed above.

7 9. To date, I have incurred approximately 80.1 hours in connection with the litigation
8 of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have incurred to date.

9 10. The total lodestar for my hours will be approximately \$48,060.00 based on an
10 hourly rate of \$600.00 per hour (80.1 x \$600). In 2019 and 2020, I was approved at an hourly rate
11 of \$450.00 per hour by various Courts in a number of matters, including but not limited to, *Lao v.*
12 *H & M Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank*
13 *National Ass'n, et al* (Case No. 16-CV-299319), and *Abarca v. El Estero Car Wash, Inc. et al*
14 (Case No. 18CV003398). In 2021, I was approved at the hourly rate of \$500.00 in various cases,
15 including *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination
16 Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Case
17 No. 19CV004512); and *Truong v. DS Services of America, Inc.* (Case No. FCS054399). As of
18 January 1, 2023, my hourly rate increased to \$600.00 per hour. I was approved at the hourly rate
19 of \$600.00 in *Moen v. Genentech, Inc.* (San Diego Superior Court Case No. 37-2021-00008619-
20 CU-OE-CTL) and *Murray v. Granite Wellness Centers et al.* (Nevada County Superior Court
21 Case No. CU20-084680).

22 11. I do not have any conflict of interest with the proposed cy pres recipient.

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

25 Executed on this 17th day of July 2023, at Los Angeles, California.

26 

27 Kwanporn "Mai" Tulyathan
28

EXHIBIT A

Mendoza v. Prime Now LLC
Kwanporn “Mai” Tulyathan Time and Task Chart

Hours	Description of Work
15.2	Confer with co-counsel regarding theories of liability and review documents produced in case in anticipation of mediation and to assist with pre-mediation discovery and analysis; draft and revise outline of information to obtain from putative class members re experiences to support substantive theories of liability and to support meal period claim leading into mediation.
18.9	Confer with potential class members regarding experiences working for Defendant in advance of mediation to evaluate theories of liability and to investigate/lend support for meal period theory of liability given Defendant’s contention that it automatically paid meal period premiums regardless of whether employees actually suffered meal period violations; evaluate experiences of putative class members to support damages and liability analyses.
12.4	Conduct further legal research regarding <i>Donohue v AMN Services</i> and cases following that decision to support arguments for class certification based on presumptive violation where records demonstrate facial violation of meal period requirements; confer with co-counsel re same and strategize.
19.3	Conduct further legal research regarding relation-back doctrine given addition of class representatives and dismissal of Mendoza; analyze case law regarding relation-back doctrine in class versus PAGA context; strategize and confer with co-counsel re same.
2.1	Draft and revise mediation brief considering interviews and factual investigation; confer and strategize with co-counsel re same.
8.3	Return and respond to inquiries from putative class members during approval process; confer with co-counsel re same.
3.9	Analyze and review motion for preliminary approval, supplemental briefing re same, and court’s order re same; draft and revise declaration in support of final approval; draft and revise motion for final approval; confer with co-counsel re same.
80.1	TOTAL HOURS