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Attorneys for Plaintiffs and the Class

**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
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: December 20, 2022

Time: 10:00 A.M.

Dept.: 21

Reservation No.: 429567802028

Complaint Filed: July 21, 2020

FAC Filed: April 5, 2022

SAC Filed: November 4, 2022

Trial Date: None Set

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

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

27 4. I am currently handling and/or have handled numerous wage and hour class action
28 and PAGA lawsuits, including *Magadia v. Wal-Mart Associates, Inc., et al.* (Case Number 5:17-

1 cv-00062-LHK); *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-
2 MDD); *Hernandez v. Wells Fargo Bank, N.A.* (Case Number 16CV299319); *Lao v. H & M*
3 *Hennes & Mauritz, L.P.* (Case Number 5:16-cv-333 EJD); *Arroyo v. Int'l Paper Company* (Case
4 Number 5:17-cv-06211-BLF); *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial
5 Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); and *Garcia v. Apex*
6 *Systems, LLC, et al.* (Case Number RG19014709).

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

15 6. I have also been approved as class counsel in numerous other wage/hour class
16 actions. Most recently, I was approved as class counsel in the cases *Garcia v. Wal-Mart*
17 *Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan, LLC, et al.*
18 (Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (Case No. 8-17-cv-965-JLS
19 (DFM)), and *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319).
20 Moreover, I was granted final approval as class counsel in *California Forensic Medical Group*
21 *Wage and Hour Cases* (Case No. JCCP4999), *Valles v. Community Hospital of the Monterey*
22 *Peninsula* (Case No. 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case No. 18CV322644),
23 *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319), *Mendez v.*
24 *Falcon Trading Company* (Case No. 19CV004512), *Khan v. Amy's Kitchen, Inc.* (Case No. SCV-
25 266127), and *Truong v. DS Services of America, Inc.* (Case No. FCS054399). I acted as lead
26 counsel in these cases listed above.

27 7. Based on my own independent investigation and evaluation, I am of the opinion
28 that the settlement for the consideration and on the terms set forth in the Class Action Settlement

1 Agreement and Release (“Settlement Agreement”) is fair, reasonable, and adequate and that the
2 settlement is in the best interests of the Settlement Class, in light of all known circumstances and
3 the expenses and risks inherent in litigation. I also believe in the fairness of the settlement based
4 on factoring in the uncertainty and risks to Plaintiffs involved in not prevailing on their class
5 claims at trial and the possibility of appeals.

6 8. I have no conflicts with the Settlement Class and will adequately represent the
7 Settlement Class.

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

10 Executed on this 28th day of November 2022, at Los Angeles, California.

11 
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Kwanporn “Mai” Tulyathan