

**Electronically Filed
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County of Santa Clara,
on 8/17/2021 5:10 PM
Reviewed By: R. Walker
Case #20CV368917
Envelope: 7082299**

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Attorneys for Plaintiff, the Class, and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

MARK WARD, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

SEAGATE US LLC, a Delaware limited
liability company; and DOES 1 through
50, inclusive,

Defendants.

Case No.: 20CV368917

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

Date: September 9, 2021
Time: 1:30 P.M.
Dept.: 1

Complaint Filed: August 9, 2019
Trial Date: Not Set

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I, Mai Tulyathan, 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, counsel of record for Named Plaintiff Mark Ward (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. The proposed settlement meets the criteria for this Court to grant final approval of this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

3. The Settlement Agreement was the product of arms' length negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Plaintiff's Counsel engaged in extensive factual investigation before settling. The Parties also participated in a full-day of mediation with an experienced wage-and-hour mediator, Michael J. Loeb, Esq. In connection with mediation, the Parties also conducted informal discovery before mediation, including reviewing the production of class data, payroll data, and information pertaining to Defendant's sick pay, shift premium pay, and wage statement policies and practices. The exchange of informal discovery allowed Plaintiff's Counsel to analyze liability and exposure.

4. I have spent significant time researching and pursuing the claims that have been alleged in this action. Based on my 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 arms' length and was facilitated by an experienced and neutral mediator. Thus, this settlement should be granted final approval.

5. The Court preliminary approved this settlement on May 7, 2021, directing distribution of the Notice of Pendency of Class Action Settlement and Final Hearing (“Class Notice”) and scheduling the hearing for final approval of the settlement (the “Preliminary Approval Order”).

6. The Court directed the Parties to make slight modifications to the Class Notice in

1 the Preliminary Approval Order—specifically, (1) that class members need only provide their
2 name (without any other identifying information) when submitting opt-outs or when submitting
3 written objections, (2) that the Class Notice display a box containing the Class Members’
4 estimated payments and wage statement information, and (3) to add text in the Class Notice
5 regarding remote appearance instructions for the final approval hearing. The Parties have
6 modified the Class Notice pursuant to the Court’s instructions, and Plaintiff’s counsel provided
7 the revised Class Notice to Phoenix Settlement Administrators for purposes of notice
8 dissemination on May 7, 2021.

9 7. There were no objections to the amount of attorneys’ fees or litigation costs that
10 Plaintiff’s Counsel seeks in this case and for which Plaintiff asks the Court for final approval.

11 8. Any remaining monies from uncashed settlement checks will be distributed to
12 Child Advocates of Silicon Valley. Plaintiff’s Counsel does not have any relationship with or
13 connection or to said organization.

14 9. 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 10. 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 11. 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 12. 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); *Truong v. DS Services of America, Inc.*
6 (Case No. FCS054399).

7 13. To date, I have incurred approximately 103.4 hours in connection with the
8 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
9 work I have incurred to date on this matter.

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

13 15. Thus, I anticipate the total amount of my fees incurred in this case to be
14 approximately \$56,700.00 based on 113.4 total hours, at an hourly rate of \$500.00 per hour. In
15 2019 and 2020, I have been approved at an hourly rate of \$450.00 per hour by various Courts in
16 a number of matters, including but not limited to, *Lao v. H & M Hennes & Mauritz, L.P.* (Case
17 No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-
18 299319), and *Abarca v. El Estero Car Wash, Inc. et al* (Case No. 18CV003398). As of January
19 1, 2021, I increased my hourly rate to \$500.00 per hour. I have been approved at the hourly rate
20 of \$500.00 in other cases in 2021, including *Baker v. California Forensic Medical Group, Inc.,*
21 *et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723),
22 *Mendez v. Falcon Trading Company* (Case No. 19CV004512), and *Truong v. DS Services of*
23 *America, Inc.* (Case No. FCS054399).

24 16. My office has incurred costs in the amount of \$8,639.62. The costs are all
25 litigation related costs, including filing and service fees, postage fees, and costs associated with
26 mediation. Attached hereto as **Exhibit B** is copy of the costs incurred in connection with
27 prosecution of this lawsuit.

28 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 17th day of August, 2021, at Los Angeles, California.

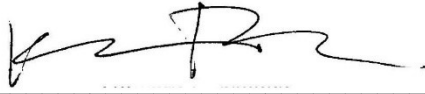
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5 Mai Tulyathan

EXHIBIT A

Mark Ward v. Seagate US LLC
Time and Task Chart for Mai Tulyathan

Hours	Description of Work
6.5	Factual investigation, review of file and client documents, review PAGA letter, confer with co-counsel and client regarding the case upon assignment to case.
5.6	Draft complaint; further review and revise complaint
1.0	Draft peremptory challenge and proposed order; confer with co-counsel regarding same
0.5	Review the Court's Covid-19 emergency order re: complex civil actions
5.0	Meet and confer with opposing counsel for case management conferences, draft, review and revise several joint statements and updated statements in connection therewith
2.5	Meet and confer with opposing counsel regarding mediation; draft and prepare informal discovery request in connection with mediation
1.6	Prepare for and conduct joint pre-mediation call with mediator Michael Loeb
0.5	Meet and confer with counsel re: statute of limitations issue
13.7	Review and analyze production of informal discovery for mediation, including class payroll data, wage statements, and documents re: Defendant's various policies; numerous meet and confer communications with opposing counsel regarding data and documents and regarding liability issues
8.2	Draft mediation brief; conduct legal research in connection with same; revise and revise brief; conducted exposure analysis based on data produced by Defendant
8.5	Attend mediation
4.3	Review and revise MOU; further confer with opposing counsel regarding the terms therein
10.4	Draft, review and revise long-form settlement agreement; confer with opposing counsel regarding terms therein; confer with client regarding same
3.8	Review and revise class notice to be sent to class members; confer with opposing counsel regarding same
1.0	Confer with settlement administrator regarding administration and admin expenses
14.2	Draft motion for preliminary approval of settlement, proposed order, and supporting documents; further revise same
1.2	Review the Court's tentative ruling granting preliminary approval of settlement; further revise class notice pursuant to the Court's instructions;

1.0	Confer with settlement administrator regarding administration timeline and dissemination of class notice
1.2	Review weekly mailing reports from settlement administrator; confer with settlement administrator regarding final approval
12.7	Draft motion for preliminary approval of settlement, proposed order, and supporting documents; further revise same
<u>103.4</u>	<u>TOTAL HOURS</u>

EXHIBIT B

8/11/2021
11:18 AM

DIVERSITY LAW GROUP
Slip Listing

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Selection Criteria

Slip Classification Open
Client (hand select) Include: Ward, Mark v. Seagate
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		
62898	EXP	Olympia	1	75.00	75.00
6/10/2020		Court fees			
WIP		Ward, Mark v. Seagate			
LWDA					
63343	EXP	Olympia	1	6.90	6.90
6/30/2020		Postage			
WIP		Ward, Mark v. Seagate			
Postage					
63434	EXP	Olympia	1	1483.77	1483.77
8/5/2020		Court fees			
WIP		Ward, Mark v. Seagate			
Odyssey - Complaint					
63518	EXP	Olympia	1	5.72	5.72
8/10/2020		Court fees			
WIP		Ward, Mark v. Seagate			
Odyssey - 170.6					
63754	EXP	Olympia	1	5.72	5.72
9/1/2020		Court fees			
WIP		Ward, Mark v. Seagate			
Odyssey - POS of Summons					
65133	EXP	Olympia	1	5.72	5.72
12/3/2020		Court fees			
WIP		Ward, Mark v. Seagate			
Odyssey - Joint CMS					
65496	EXP	Olympia	1	6450.00	6450.00
12/28/2020		Arbitrators			
WIP		Ward, Mark v. Seagate			
JAMS Mediation					
66228	EXP	Olympia	1	33.55	33.55
1/11/2021		Delivery serv			
WIP		Ward, Mark v. Seagate			
Federal Express					

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DIVERSITY LAW GROUP
Slip Listing

Page 2

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		
66925	EXP	Erika Mejia	1	67.52	67.52
4/14/2021		Court fees			
WIP		Ward, Mark v. Seagate			
Odyssey - MPA					
67087	EXP	Olympia	1	5.72	5.72
4/30/2021		Court fees			
WIP		Ward, Mark v. Seagate			
Odyssey - Joint CMS					
68412	EXP	Olympia	1	500.00	500.00
8/11/2021		Court fees			
WIP		Ward, Mark v. Seagate			
MFA Filing and Service Fees					
Grand Total					
			0.00		8639.62
			0.00		0.00
			0.00		8639.62