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DIVERSITY LAW GROUP, P.C.
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Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

VAN WALKER, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

WFS EXPRESS, INC., a Delaware
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 34-2020-00285301-CU-OE-GDS

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

Date: March 9, 2022
Time: 1:30 p.m.
Dept.: 53

Reservation No.: 2603858

Complaint Filed: August 5, 2020
Trial Date: None

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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 Plaintiff Van Walker (“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 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. Specifically, Class Counsel reviewed class data and data pertaining to the number of class members, the number of pay periods at issue, time and payroll records for the class members, as well as information pertaining to Defendant's policies, practices, and procedures pertaining to shift premiums and shift differentials, the payment of overtime wages and meal period premiums, its wage statement practices, and use of personal cell phones for mobile applications to be used for work-related purposes. Plaintiff then retained an expert witness to review and analyze the data and records provided by Defendant to calculate the potential exposure for the claims involved. The exchange of informal discovery allowed Plaintiff's Counsel to conduct a full analysis of 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.

1 5. There were no objections to the amount of attorneys' fees or litigation costs that
2 Plaintiff's Counsel seeks in this case and for which Plaintiff asks the Court for final approval.

3 6. Any remaining monies from uncashed settlement checks will be distributed to the
4 State Bar of California's Justice Gap Fund.

5 7. I support the settlement as fair, reasonable, and adequate, and in the best interest
6 of the Class Members as a whole.

7 8. I have been approved as class counsel in numerous other wage/hour class actions
8 that have been granted class certification and final approval.

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

22 10. 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, including
25 the Santa Clara Superior Court, Los Angeles Superior Court, Orange County Superior Court, San
26 Diego County Superior Court, Monterey County Superior Court, as well as the United States
27 District Courts for the Central, Northern, Southern, and Eastern Districts of California. I have
28 handled and am currently handling numerous wage and hour class action and PAGA lawsuits,

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

9 11. 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 the
16 bench trial in that same case in December 2018.

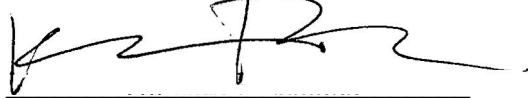
17 12. I have also been approved as class counsel in numerous other wage/hour class
18 actions. Most recently, I was approved as class counsel in the cases *Garcia v. Wal-Mart*
19 *Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan, LLC, et al.*
20 (Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (Case No. 8-17-cv-965-JLS
21 (DFM)), and *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319).
22 Moreover, I was granted final approval as class counsel in *Lao v. H & M Hennes & Mauritz, L.P.*
23 (Case No. 5:16:cv-333 EJD), *Abarca v. El Estero Car Wash, Inc. et al* (Case No. 18CV003398),
24 *Valles v. Community Hospital of the Monterey Peninsula* (Case No. 17CV003452), *Chavez v.*
25 *Hugo Boss Retail, Inc.* (Case No. 18CV322644), *Hernandez v. Wells Fargo Bank National*
26 *Ass'n, et al* (Case No. 16-CV-299319); *Baker v. California Forensic Medical Group, Inc., et al.*,
27 Judicial Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v.*
28 *Falcon Trading Company* (Case No. 19CV004512); *Truong v. DS Services of America, Inc.*

1 (Case No. FCS054399).

2 13. My office has incurred costs in the amount of \$13,300.18. The costs are all
3 litigation related costs, including court filing and service fees, postage fees, expert fees, and costs
4 associated with mediation. Attached hereto as **Exhibit A** is copy of the costs incurred in
5 connection with prosecution of this lawsuit.

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

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9 Executed on February 14, 2022, at Los Angeles, California.

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EXHIBIT A

2/10/2022
8:34 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Walker, Van v. WFS
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		
62784	EXP	Olympia	1	75.00	75.00
6/8/2020		Court fees			
WIP		Walker, Van v. WFS			
LWDA					
63342	EXP	Olympia	1	6.90	6.90
6/30/2020		Postage			
WIP		Walker, Van v. WFS			
Postage					
63887	EXP	Olympia	1	56.45	56.45
8/5/2020		Atty Service			
WIP		Walker, Van v. WFS			
Attorney Service - Complaint Service					
64306	EXP	Olympia	1	1578.50	1578.50
8/5/2020		Atty Service			
WIP		Walker, Van v. WFS			
Attorney Service - Complaint					
64096	EXP	Olympia	1	6.90	6.90
8/31/2020		Postage			
WIP		Walker, Van v. WFS			
Postage					
64119	EXP	Olympia	1	1.00	1.00
9/18/2020		Court fees			
WIP		Walker, Van v. WFS			
Online Document					
64704	EXP	Olympia	1	67.75	67.75
10/1/2020		Atty Service			
WIP		Walker, Van v. WFS			
Attorney Service - Complaint Service					
64739	EXP	Olympia	1	53.45	53.45
10/13/2020		Atty Service			
WIP		Walker, Van v. WFS			
Attorney Service - POS of Summons					

2/10/2022
8:34 AM

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		
64741	EXP	Olympia	1	86.09	86.09
10/13/2020		Atty Service			
WIP		Walker, Van v. WFS			
Attorney Service - Notice of Complex Determination					
64900	EXP	Olympia	6	0.25	1.50
10/31/2020		Photocopies			
WIP		Walker, Van v. WFS			
Photocopies					
64901	EXP	Olympia	1	0.65	0.65
10/31/2020		Postage			
WIP		Walker, Van v. WFS			
Postage					
65945	EXP	Olympia	1	57.45	57.45
1/6/2021		Atty Service			
WIP		Walker, Van v. WFS			
Attorney Service - Notice of CMC					
66967	EXP	Olympia	1	6450.00	6450.00
4/21/2021		Arbitrators			
WIP		Walker, Van v. WFS			
JAMS Mediation					
67943	EXP	Olympia	1	49.55	49.55
5/8/2021		Delivery serv			
WIP		Walker, Van v. WFS			
Federal Express					
67216	EXP	Olympia	1	475.00	475.00
5/10/2021		Experts			
WIP		Walker, Van v. WFS			
Econ One					
67650	EXP	Larry W. Lee	1	5.00	5.00
5/13/2021		Meals			
WIP		Walker, Van v. WFS			
Meal					
67651	EXP	Larry W. Lee	1	56.02	56.02
5/13/2021		Meals			
WIP		Walker, Van v. WFS			
Meal					
67545	EXP	Olympia	1	2850.00	2850.00
6/8/2021		Experts			
WIP		Walker, Van v. WFS			
Econ One					

2/10/2022
8:34 AM

DIVERSITY LAW GROUP
Slip Listing

Page 3

Slip ID Dates and Time Posting Status Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
68124 EXP 7/15/2021 WIP Econ One	Olympia Experts Walker, Van v. WFS	1	427.50	427.50
69140 EXP 9/9/2021 WIP Attorney Service - Notice	Olympia Atty Service Walker, Van v. WFS	1	52.45	52.45
69153 EXP 9/15/2021 WIP Attorney Service - Notice	Olympia Atty Service Walker, Van v. WFS	1	40.09	40.09
69598 EXP 10/18/2021 WIP Attorney Service - Motion	Christine Choo Atty Service Walker, Van v. WFS	1	243.95	243.95
69953 EXP 11/11/2021 WIP Attorney Service - Notice of Lodging	Olympia Atty Service Walker, Van v. WFS	1	65.71	65.71
70295 EXP 12/3/2021 WIP Attorney Service - NOE	Christine Choo Atty Service Walker, Van v. WFS	1	93.27	93.27
70666 EXP 2/10/2022 WIP Filing Fees	Olympia Court fees Walker, Van v. WFS	1	500.00	500.00
Grand Total	Billable Unbillable Total	0.00 0.00 0.00		13300.18 0.00 13300.18