

Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder (State Bar No. 170131)
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

JOSE CABALO, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

JONES LANG LASALLE AMERICAS,
INC., a Maryland corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No.: 37-2020-00044322-CU-OE-CTL

(Assigned to the Hon. Ronald F. Frazier, Dept. C-65)

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

Date: March 17, 2023

Time: 8:30 a.m.

Dept.: C-65

Complaint Filed: December 3, 2020

DECLARATION OF MAI TULYATHAN

I, Mai Tulyathan, declare as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California and am a member of the law firm of the Diversity Law Group, P.C., one of the attorneys of record for Plaintiff Jose Cabalo (“Plaintiff”) in the above-entitled action. I have personal knowledge of the matters set forth herein, and if called upon as a witness to testify thereto, I could and would competently do so.

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 negotiations between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. The Parties engaged in arm’s length negotiations at mediation with a highly experienced wage-and-hour mediation, Louis Marlin, Esq.

4. Class Counsel engaged in extensive factual investigation before settling, including exchange of informal discovery before mediation. In connection with mediation, Class Counsel reviewed class data, sample time and payroll records for the class members, as well as information pertaining to Defendant’s pertinent policies, practices, and procedures.

5. 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 was facilitated by an experienced and neutral mediator. Thus, this settlement should be granted final approval.

6. The Court preliminary approved this settlement on October 4, 2022, directing distribution of class notice and scheduling the hearing for final approval of the settlement (the “Preliminary Approval Order”). As directed by the Court, the Settlement Administrator selected by the Parties—Phoenix Settlement Administrators—distributed the Class Notice to 1,031 Class Members. Class Counsel believes that the positive results after mailing of the Class Notice

1 support confirmation of the Court's preliminary approval of the settlement with final approval of
2 the settlement. The settlement has a 100 percent participate rate. In light of this overwhelmingly
3 positive response from Class Members, an inference can be made that the Class supports the
4 Court's Preliminary Approval Order finding that the Settlement Agreement is fair and
5 reasonable.

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

8 8. Timely notice of the PAGA settlement was provided to the California Labor and
9 Workforce Development Agency ("LWDA") pursuant to Cal. Lab. Code section 2699(l)(2) and
10 no objections to the Settlement by the LWDA were received by Plaintiff's Counsel.

11 9. Any remaining monies from uncashed settlement checks will be distributed to the
12 *cy pres* recipient Jewish Family Service of San Diego, a 501(c)(3) nonprofit that provides basic-
13 needs assistance and resource connections, including employment assistance and counseling to
14 employees, in accordance with C.C.P. § 384. Plaintiff's Counsel does not have any relationship
15 with or connection to said organization.

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

1 11. 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 12. I am currently handling and/or have handled numerous wage and hour class action
8 and PAGA lawsuits, including *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-
9 cv-00500-L-MDD); *Arroyo v. Int'l Paper Company* (Case Number 5:17-cv-06211-BLF); *Baker*
10 *v. California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No.
11 4999 (Lead Case No. 17CV003723); *Westmoreland v. KinderCare Education LLC* (Case
12 Number CGC-19-573125); *Garcia v. Apex Systems, LLC, et al.* (Case Number RG19014709);
13 *Martin v. Wells Fargo Bank* (Case Number 19-cv-01969-JAK).

14 13. 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 14. I have also been certified and/or approved as class counsel in numerous other
23 wage/hour class actions. Most recently, I was certified as class counsel in the cases *Garcia v.*
24 *Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan,*
25 *LLC, et al.* (Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (Case No. 8-17-
26 cv-965-JLS (DFM)), *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-
27 299319), and *Sims v. QG Printing II, LLC, et al.* (Case No. ED CV 20-1632-DMG (KKx)), as
28 part of the Courts' orders granting class certification pursuant to Rule 23 of the FRCP and

1 California Code of Civil Procedure § 382.

2 15. Moreover, I was granted final approval as class counsel in *Lao v. H & M Hennes*
3 *& Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Abarca v. El Estero Car Wash, Inc. et al* (Case No.
4 18CV003398), *Valles v. Community Hospital of the Monterey Peninsula* (Case No.
5 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case No. 18CV322644), *Hernandez v. Wells*
6 *Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319); *Baker v. California Forensic*
7 *Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No.
8 17CV003723); *Mendez v. Falcon Trading Company* (Case No. 19CV004512); *Truong v. DS*
9 *Services of America, Inc.* (Case No. FCS054399).

10 16. My office has incurred costs in the amount of \$10,318.75. The costs are all
11 litigation related costs, including filing and service fees, court fees, CourtCall fees, postage fees,
12 and costs associated with mediation. Attached hereto as **Exhibit A** is copy of the costs incurred
13 in connection with prosecution of this lawsuit.

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

16 Executed on this 23rd day of February 2023, at Los Angeles, California.

17 

18 Mai Tulyathan
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Selection Criteria

Slip Classification Open
Client (hand select) Include: Cabalo, Jose v. Jones Lang La
Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

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
64671 11/3/2020 WIP LWDA	EXP	Olympia Court fees Cabalo, Jose v. Jones Lang L	1	75.00	75.00
65395 11/30/2020 WIP Postage	EXP	Olympia Postage Cabalo, Jose v. Jones Lang L	1	6.90	6.90
65139 12/4/2020 WIP OneLegal - Complaint	EXP	Olympia Court fees Cabalo, Jose v. Jones Lang L	1	1492.31	1492.31
65625 12/16/2020 WIP Attorney Service - Complaint Service	EXP	Olympia Atty Service Cabalo, Jose v. Jones Lang L	1	70.24	70.24
65470 12/22/2020 WIP OneLegal - POS of Summons	EXP	Olympia Court fees Cabalo, Jose v. Jones Lang L	1	9.95	9.95
68533 6/22/2021 WIP San Diego Superior Court	EXP	Linda Lee Online researc Cabalo, Jose v. Jones Lang L	1	25.80	25.80
67888 6/30/2021 WIP Photocopies	EXP	Olympia Photocopies Cabalo, Jose v. Jones Lang L	13	0.25	3.25
67889 6/30/2021 WIP Postage	EXP	Olympia Postage Cabalo, Jose v. Jones Lang L	1	1.40	1.40

2/23/2023
12:02 PM

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		
68247	EXP	Erika Mejia	1	16.47	16.47
7/29/2021		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
One Legal - CMS					
68398	EXP	Mai Tulyathan	1	94.00	94.00
8/13/2021		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
Courtcall					
68727	EXP	Olympia	1	7000.00	7000.00
9/8/2021		Arbitrators			
WIP		Cabalo, Jose v. Jones Lang L			
Louis Marlin Mediation					
69694	EXP	Olympia	1	1000.00	1000.00
11/5/2021		Experts			
WIP		Cabalo, Jose v. Jones Lang L			
JTC Corporation					
71611	EXP	Erika Mejia	1	38.61	38.61
4/29/2022		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
OneLegal - Stip re Trial					
72356	EXP	Erika Mejia	1	78.76	78.76
7/7/2022		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
OneLegal - Motion for Approval					
72449	EXP	Erika Mejia	1	16.99	16.99
7/13/2022		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
OneLegal - CMS					
72565	EXP	Erika Mejia	1	16.99	16.99
7/22/2022		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
OneLegal - Reply					
72587	EXP	Valeria Tril	1	16.99	16.99
7/28/2022		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
OneLegal - Notice of Remote Appearance					
72818	EXP	Olympia	1	16.99	16.99
8/22/2022		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
OneLegal - Brief					

2/23/2023
12:02 PM

DIVERSITY LAW GROUP
Slip Listing

Page 3

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		
72858	EXP	Valeria Tril	1	20.08	20.08
8/30/2022		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
OneLegal - Notice of Remote Appearance					
73403	EXP	Erika Mejia	1	18.02	18.02
10/20/2022		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
OneLegal - Order					
74413	EXP	Larry W. Lee	1	300.00	300.00
2/13/2023		Court fees			
WIP		Cabalo, Jose v. Jones Lang L			
Filing/Service					
Grand Total					
			Billable	0.00	10318.75
			Unbillable	0.00	0.00
			Total	0.00	10318.75