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Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

CARL HANEY, as an individual and on behalf
of all others similarly situated,

Plaintiff,

vs.

PENINSULA PACKAGING, LLC, a
California limited liability company; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: VCU285695

[Assigned for all purposes to the Hon. Bret
D. Hillman, Dept. 7]

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

Date: December 6, 2022

Time: 8:30 A.M.

Dept.: 7

Complaint Filed: January 25, 2021

FAC Filed: January 6, 2022

Trial Date: None Set

DECLARATION OF MAI TULYATHAN

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 Carl Haney ("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 arm's 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. Class Counsel engaged in informal discovery before mediation, including reviewing the production of class data, and information pertaining to Defendant's paid sick leave. The exchange of informal discovery allowed Class Counsel to conduct a full analysis of exposure. The Parties also participated in a full-day of mediation with an experienced neutral Lou Marlin, Esq.

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 arm's length and was facilitated by an experienced and neutral mediator. Thus, this settlement should be granted final approval.

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

6. Any remaining monies from uncashed settlement checks will be distributed to Legal Aid at Work. Plaintiff's Counsel does not have any relationship with or connection or to said organization.

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

14 8. I am currently an associate at the law firm Diversity Law Group, P.C., an
15 employment law firm that has handled numerous wage and hour class and individual actions,
16 on both plaintiff and defense sides. The firm currently has cases in numerous state courts,
17 including the Santa Clara Superior Court, Los Angeles Superior Court, Orange County
18 Superior Court, San Diego County Superior Court, Monterey County Superior Court, as well
19 as the United States District Courts for the Central, Northern, Southern, and Eastern Districts
20 of California. I have handled and am currently handling numerous wage and hour class action
21 and PAGA lawsuits, including *Magadia v. Wal-Mart Associates, Inc., et al.* (Case Number
22 5:17-cv-00062-LHK); *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-
23 00500-L-MDD); *Arroyo v. Int'l Paper Company* (Case Number 5:17-cv-06211-BLF); *Baker v.*
24 *California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No.
25 4999 (Lead Case No. 17CV003723); *Westmoreland v. KinderCare Education LLC* (Case
26 Number CGC-19-573125); *Arrington v. Automatic Data Process Insurance Agency, Inc.* (Case
27 Number 30-2019-01099994-CU-OE-CXC); *Garcia v. Apex Systems, LLC, et al.* (Case Number
28 RG19014709); *Martin v. Wells Fargo Bank* (Case Number 19-cv-01969-JAK).

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

9 10. I have also been certified and/or approved as class counsel in numerous other
10 wage/hour class actions. Most recently, I was certified and/or approved as class counsel in the
11 cases *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD),
12 *Richert v. Samaritan, LLC, et al.* (Case Number 17CV314186), *Song v. THC – Orange*
13 *County, Inc.* (Case No. 8-17-cv-965-JLS (DFM)), and *Hernandez v. Wells Fargo Bank*
14 *National Ass’n, et al* (Case No. 16-CV-299319). Moreover, I was granted final approval as
15 class counsel in *Lao v. H & M Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Abarca v.*
16 *El Estero Car Wash, Inc. et al* (Case No. 18CV003398), *Valles v. Community Hospital of the*
17 *Monterey Peninsula* (Case No. 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case No.
18 18CV322644), *Hernandez v. Wells Fargo Bank National Ass’n, et al* (Case No. 16-CV-
19 299319); *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial Council
20 Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading*
21 *Company* (Case No. 19CV004512); *Truong v. DS Services of America, Inc.* (Case No.
22 FCS054399); *Ward v. Seagate US LLC* (Case No. 20CV368917).

23 11. To date, I have incurred approximately 115.8 hours in connection with the
24 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
25 work I have incurred to date on this matter.

26 12. In addition to the hours above, I also anticipate spending an additional 5 hours
27 through the completion of this case to handle any post-final approval and settlement matters,
28 including payments from the Settlement Administrator and any related issues.

1 13. Thus, I anticipate the total amount of my fees incurred in this case to be
2 approximately \$60,400.00 based on 120.8 total hours, at an hourly rate of \$500.00 per hour. In
3 2019 and 2020, I have been approved at an hourly rate of \$450.00 per hour by various Courts
4 in a number of matters, including but not limited to, *Lao v. H & M Hennes & Mauritz, L.P.*
5 (Case No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No.
6 16-CV-299319), and *Abarca v. El Estero Car Wash, Inc. et al* (Case No. 18CV003398). As of
7 January 1, 2021, I increased my hourly rate to \$500.00 per hour. I have been approved at the
8 hourly rate of \$500.00 in other cases in 2021, including *Baker v. California Forensic Medical*
9 *Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No.
10 17CV003723), *Mendez v. Falcon Trading Company* (Case No. 19CV004512), *Truong v. DS*
11 *Services of America, Inc.* (Case No. FCS054399), and *Ward v. Seagate US LLC* (Case No.
12 20CV368917).

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

15 Executed on this 7th day of November 2022, at Los Angeles, California.

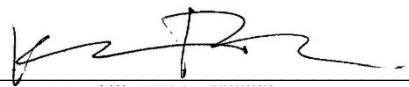
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EXHIBIT A

Haney v. Peninsula Packaging LLC
Time and Task Chart for Mai Tulyathan

Hours	Description of Work
5.5	Factual investigation, review of file and client documents, review PAGA letter upon assignment to case.
4.6	Draft complaint; further review and revise complaint
2.0	Meet and confer with opposing counsel regarding Defendant's demurrer and motion to strike
13.7	Review Defendant's demurrer and motion to strike; draft opposition to same; conduct legal research in connection with same; further review and revise opposition
1.0	Review Defendant's reply in support of its demurrer and motion to strike
3.8	Review the Court's tentative ruling on Defendant's demurrer and motion to strike; prepare for oral argument and attend hearing re same
2.5	Meet and confer with opposing counsel regarding mediation; draft and prepare informal discovery request in connection with mediation
9.2	Review and analyze production of informal discovery for mediation, including class data, spreadsheets, and documents re: Defendant's various policies; numerous meet and confer communications with opposing counsel regarding data and documents
2.7	Prepare and review damages analysis for mediation
9.5	Attend mediation; preparation for same
3.9	Review and revise Memorandum of Understanding; further meet and confer with opposing counsel regarding MOU; further review and revise same; confer with client regarding settlement terms
2.0	Prepare First Amended Complaint and stipulation; meet and confer regarding same
10.6	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
2.8	Meet and confer with opposing counsel for case management conferences, draft CMC statements and updated statements in connection therewith
14.6	Draft motion for preliminary approval of settlement, proposed order, and supporting documents; legal research in connection therewith; further revise same

8.1	Review Court orders re preliminary approval; draft amendment to settlement agreement; prepare supplemental brief and declarations for same; meet and confer with opposing counsel re same
4.7	Review settlement class data provided to settlement administrator; meet and confer with defense counsel re same; meet and confer with mediator re additional settlement funds
5.2	Review and revise amendment settlement agreement; review and revise ex parte application for approval of same
4.6	Review and revise motion for final approval and supporting documents
<u>115.8</u>	<u>TOTAL HOURS</u>