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Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

JAIME MOEN, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

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

Defendants.

Case No.: 37-2021-00008619-CU-OE-CTL

(Assigned for all purposes to the Honorable
Katherine A. Bacal, Dept. C-69)

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

Date: March 10, 2023

Time: 1:30 P.M.

Dept.: C-69

Complaint Filed: March 1, 2021

FAC Filed: March 10, 2022

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 a member of the law firm Diversity Law Group, P.C., one of the attorneys of record for Plaintiff Jaime Moen (“Plaintiff”). 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. 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.

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

4. I am currently an associate at the law firm Diversity Law Group, P.C., an employment law firm that has handled numerous wage and hour class and individual actions, on both plaintiff and defense sides. The firm currently has cases in numerous state courts, including

1 the Santa Clara Superior Court, Los Angeles Superior Court, Orange County Superior Court, San
2 Diego County Superior Court, Monterey County Superior Court, as well as the United States
3 District Courts for the Central, Northern, Southern, and Eastern Districts of California.

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

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

19 7. I have also been certified and/or approved as class counsel in numerous other
20 wage/hour class actions. Most recently, I was certified as class counsel in the cases *Garcia v.*
21 *Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan,*
22 *LLC, et al.* (Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (Case No. 8-17-
23 cv-965-JLS (DFM)), *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-
24 299319), and *Sims v. QG Printing II, LLC, et al.* (Case No. ED CV 20-1632-DMG (KKx)), as
25 part of the Courts' orders granting class certification pursuant to Rule 23 of the FRCP and
26 California Code of Civil Procedure § 382.

27 8. Moreover, I was granted final approval as class counsel in *Lao v. H & M Hennes*
28 *& Mauritz, L.P.* (Case No. 5:16-cv-333 EJD), *Abarca v. El Estero Car Wash, Inc. et al* (Case No.

1 18CV003398), *Valles v. Community Hospital of the Monterey Peninsula* (Case No.
2 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case No. 18CV322644), *Hernandez v. Wells*
3 *Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319); *Baker v. California Forensic*
4 *Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No.
5 17CV003723); *Mendez v. Falcon Trading Company* (Case No. 19CV004512); *Truong v. DS*
6 *Services of America, Inc.* (Case No. FCS054399).

7 9. To date, I have incurred approximately 165.1 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 10. I also anticipate spending an additional 15 hours conferring and reviewing e-mails
11 and other written communications with counsel for Defendant, the Settlement Administrator, and
12 Class Members regarding post final approval matters, including payments and related issues.

13 11. Thus, the total amount of my fees incurred in this case to be approximately
14 \$108,060.00 based on at an hourly rate of \$600.00 per hour. In 2019 and 2020, I was approved
15 at an hourly rate of \$450.00 per hour by various Courts in a number of matters, including but not
16 limited to, *Lao v. H & M Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Hernandez v.*
17 *Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319), and *Abarca v. El Estero Car*
18 *Wash, Inc. et al* (Case No. 18CV003398). In 2021, I was approved at the hourly rate of \$500.00
19 in various cases, including *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial
20 Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon*
21 *Trading Company* (Case No. 19CV004512); and *Truong v. DS Services of America, Inc.* (Case
22 No. FCS054399). As of January 1, 2023, my hourly rate increased to \$600.00 per hour.

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

25 Executed on this 3rd day of March 2023, at Los Angeles, California.

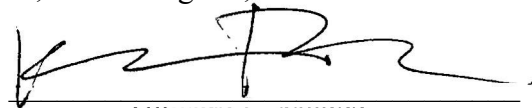
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EXHIBIT A

Jaime Moen v. Genentech, Inc.
Time and Task Chart for Mai Tulyathan

Hours	Description of Work
8.5	Factual investigation, review of file and client documents, review PAGA letter, confer with client regarding the case upon assignment to case
5.6	Draft complaint; further review and revise complaint
0.5	Review the Court's Notice of Case Assignment
3.3	Meet and confer with opposing counsel for case management conferences, draft, review and revise several CMC statements/joint status reports in connection therewith
0.8	Telephonic meet and confer with opposing counsel regarding Defendant's demurrer and motion to strike
6.3	Draft meet and confer correspondence to opposing counsel regarding Defendant's demurrer and motion to strike; conduct research and exchange multiple email correspondence in connection with same
5.5	Review and analyze Defendant's demurrer and motion to strike and supporting docs
3.0	Meet and confer discussions with opposing counsel regarding mediation
2.4	Review and revise joint stipulation to stay case pending mediation and proposed order; further meet and confer with opposing counsel regarding same
2.5	Draft and prepare informal discovery request in connection with mediation
1.6	Meet and confer with opposing counsel regarding sampling method for class payroll data
4.8	Draft, review and revise First Amended Complaint and joint stipulation in connection therewith; confer with opposing counsel regarding filing of same; review Court's order granting filing of same
0.5	Review Defendant's Answer to First Amended Complaint
1.7	Draft supplemental PAGA letter to LWDA; confer with client regarding same
14.4	Review and analyze production of informal discovery for mediation, including class payroll and time data spreadsheets, meal time data, wage statements, and documents re: Defendant's various policies; numerous meet and confer communications with opposing counsel regarding data and document production
8.2	Conduct exposure analysis and meal period analysis based on time and payroll data produced by Defendant
10.5	Draft mediation brief; conduct legal research in connection with same; revise and revise brief

11.5	Preparation for mediation and attend mediation 1/25
7.3	Review and revise MOU; further meet and confer with opposing counsel regarding the terms therein; confer with client regarding same
1.8	Further meet and confer with mediator (telephonic and email regarding terms of settlement)
16.5	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	Correspondence with settlement administrator regarding administration matters and admin expenses
2.8	Further review and revise long-form settlement agreement and notice
14.3	Draft motion for preliminary approval of settlement, proposed order, and supporting documents; further revise same
2.0	Review the Court's tentative rulings re preliminary approval of settlement
1.5	Confer with settlement administrator regarding administration timeline and dissemination of class notice; confer with opposing counsel regarding settlement administration
2.4	Review weekly mailing reports from settlement administrator; confer with settlement administrator regarding final approval; review admin declaration
14.7	Draft motion for final approval of settlement, proposed order, and supporting documents; further revise same
5.4	Draft supplemental briefing for final approval of settlement and supporting documents; further revise same
<u>165.1</u>	<u>TOTAL HOURS</u>