

Howard L. Magee (State Bar No. 185199)
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 NEVADA**

JEANETTE OSMAN-BRAVARD, as an
individual and on behalf of all others similarly
situated,

Plaintiff,

vs.

PLACER TITLE COMPANY, a California
corporation; and DOES 1 through 50, inclusive,
Defendants.

Case No. CU21-085315

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

Date: May 19, 2023
Time: 10:00 a.m.
Dept.: 6

Complaint Filed: March 19, 2021
FAC Filed: March 26, 2021

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 Jeanette Osman-Bravard (“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 Joint Stipulation of Class Action Settlement (“Stipulation,” “Settlement,” or “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 and known wage-and-hour neutral, Russell J. Wunderli, Esq., and continued further negotiations facilitated by Mr. Wunderli for several months.

4. Class Counsel engaged in extensive factual investigation before settling, including exchange of formal and informal discovery before mediation. In connection with mediation, Class Counsel reviewed class data pertaining to the number of putative class members, hourly rates of pay, the number of workweeks at issue, sample time and payroll records for the putative class members, as well as information pertaining to Defendant's pertinent policies, practices, and procedures. Class Counsel calculated the potential class and PAGA penalties available in this case.

5. 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.

6. The Court preliminary approved this settlement on January 24, 2023, directing distribution of Notice of Class Action Settlement (“Class Notice”) and scheduling the hearing for final

1 approval of the settlement (the “Preliminary Approval Order”). As directed by the Court, the Settlement
2 Administrator selected by the Parties—Phoenix Settlement Administrators—distributed the Class Notice
3 to 254 Class Members. Class Counsel believes that the positive results after mailing of the Class Notice
4 support confirmation of the Court’s preliminary approval of the settlement with final approval of the
5 settlement.

6 7. The settlement has a participation rate of 100%. In light of this positive response from
7 Class Members, an inference can be made that the Class supports the Court’s Preliminary Approval
8 Order finding that the Settlement Agreement is fair and reasonable.

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

11 9. Timely notice of the PAGA settlement was provided to the California Labor and
12 Workforce Development Agency (“LWDA”) pursuant to Cal. Lab. Code § 2699(l)(2) and no objections
13 to the Settlement by the LWDA were received by Class Counsel.

14 10. Any remaining monies from uncashed settlement checks will be distributed to the *cy pres*
15 recipient Loaves and Fishes, a non-profit organization that provides services to individuals experiencing
16 homelessness, in accordance with C.C.P. § 384. Class Counsel does not have any relationship with or
17 connection to said organization.

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

1 from law school, I was admitted to the California Bar in December 2017.

2 12. I am currently an associate at the law firm Diversity Law Group, P.C., an employment
3 law firm that has handled numerous wage and hour class and individual actions, on both plaintiff and
4 defense sides. The firm currently has cases in numerous state courts, including the Santa Clara Superior
5 Court, Los Angeles Superior Court, Orange County Superior Court, San Diego County Superior Court,
6 Monterey County Superior Court, as well as the United States District Courts for the Central, Northern,
7 Southern, and Eastern Districts of California.

8 13. I am currently handling and/or have handled numerous wage and hour class action and
9 PAGA lawsuits, including *Magadia v. Wal-Mart Associates, Inc., et al.* (Case Number 5:17-cv-00062-
10 LHK); *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD); *Hernandez v.*
11 *Wells Fargo Bank, N.A.* (Case Number 16CV299319); *Lao v. H & M Hennes & Mauritz, L.P.* (Case
12 Number 5:16-cv-333 EJD); *Arroyo v. Int'l Paper Company* (Case Number 5:17-cv-06211-BLF); *Baker*
13 *v. California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999
14 (Lead Case No. 17CV003723).

15 14. In 2018, I argued before the California Court of Appeal, Second Appellate District, in the
16 case of *Lee v. California Commerce Club, Inc.* (California Court of Appeal Case Number B276171,
17 LASC Case Number BC596924), and *Perez v. Standard Drywall, Inc.* (California Court of Appeal Case
18 Number A146819, Alameda Sup. Ct. No. RG15761142). In that same year, I also assisted the firm in
19 successfully obtaining class certification and partial summary judgment by the United States District
20 Court, Central District of California in the case of *Magadia v. Wal-Mart Associates, Inc.* (Case Number
21 17-CV-00062-LHK). I third chaired the bench trial in that same case in December 2018.

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

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

8 17. To date, I have incurred approximately 138.8 hours in connection with the litigation of
9 this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of work I have incurred to
10 date on this matter.

11 18. I also anticipate spending an additional 10 hours on post-final approval matters, including
12 conferring and reviewing e-mails and other written communications with counsel for Defendant, the
13 Settlement Administrator, and Class Members regarding payments and any related issues.

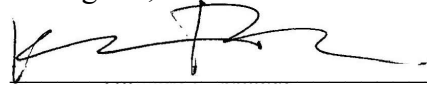
14 19. Thus, the total amount of my fees incurred in this case to be approximately \$89,280.00,
15 based on at an hourly rate of \$600.00 per hour. In 2019 and 2020, I was approved at an hourly rate of
16 \$450.00 per hour by various Courts in a number of matters, including but not limited to, *Lao v. H & M*
17 *Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank National Ass'n,*
18 *et al* (Case No. 16-CV-299319), and *Abarca v. El Estero Car Wash, Inc. et al* (Case No. 18CV003398).
19 In 2021, I was approved at the hourly rate of \$500.00 in various cases, including *Baker v. California*
20 *Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case
21 No. 17CV003723); *Mendez v. Falcon Trading Company* (Case No. 19CV004512); and *Truong v. DS*
22 *Services of America, Inc.* (Case No. FCS054399). As of January 1, 2023, my hourly rate increased to
23 \$600.00 per hour. I was approved at the hourly rate of \$600.00 in *Moen v. Genentech, Inc.* (San Diego
24 Superior Court Case No. 37-2021-00008619-CU-OE-CTL) and *Murray v. Granite Wellness Centers et*
25 *al.* (Nevada County Superior Court Case No. CU20-084680).

26 20. My office has incurred costs in the amount of \$5,596.90. The costs are all litigation
27 related costs, including filing and service fees, court fees, postage fees, and costs associated with
28 mediation. Attached hereto as **Exhibit B** is copy of the costs incurred in connection with prosecution of

1 this lawsuit.

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

4 Executed on this 27th day of April 2023, at Los Angeles, California.

5 

6 Mai Tulyathan

EXHIBIT A

Jeanette Osman-Bravard v. Placer Title Company
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 regarding the case upon assignment to case
5.0	Draft complaint, further review and revise complaint
0.3	Review notice of CMC and assignment
3.0	Draft First Amended Complaint, review submission of FAC to LWDA
0.7	Review Defendant's Answer to Complaint
3.9	Meet and confer with opposing counsel for case management conferences, prepare CMC statements in connection therewith
0.2	Review notices of CMC
0.3	Meet and confer regarding defendant entity name
6.5	Draft written discovery, including form interrogatories general, form interrogatories employment law, requests for production of documents, and special interrogatories
0.3	Several correspondences with Defendant's counsel regarding discovery extensions
8.7	Review Defendant's discovery responses, documents produced by Defendant in response to discovery, including personnel file, time and payroll records, handbook, and policies
1.2	Review request for specification of damages, prepare statement of damages
0.1	Meet and confer with Defendant regarding service issue
9.2	Prepare responses to Defendant's first set of written discovery (4 sets), review client documents in connection with same
2.5	Telephonic discussions with client regarding discovery responses
0.3	Review subpoenas for records request, meet and confer with Defendant regarding same
4.4	Review Defendant's meet and confer correspondence re discovery issues, prepare for and conduct telephonic discussion with Defendant regarding discovery issues
0.5	Meet and confer with Defendant regarding mediation and potential mediators, confer with client regarding same
0.2	Meet and confer with Defendant regarding motion to compel discovery deadlines
3.0	Draft and prepare informal discovery request in connection with mediation; telephonic meet and confer with Defendant re same

0.2	Meet and confer with Defendant regarding continuing mediation and informal document production
13.6	Review and analyze production of informal discovery for mediation, including class data, notary payment records, several handbooks, and documents re: Defendant's various policies; numerous meet and confer communications with opposing counsel regarding data and document production
8.9	Draft mediation brief; conduct legal research in connection with same; run damages analysis
9.5	Preparation for mediation and attend mediation, confer with client
1.0	Communications with mediator post-mediation
2.2	Several meet and confer emails and telephonic conferences with Defendant regarding terms of settlement
0.1	Correspondence re discovery stay
0.1	Prepare notice of settlement
12.5	Draft joint stipulation of class action settlement; further review and revise same; confer with Defendant's counsel regarding same
5.8	Draft class notice
13.8	Draft motion for preliminary approval of settlement, proposed order, and supporting documents; further revise same; confer with Defendant's counsel regarding same
1.0	Confer with settlement administrator regarding administration timeline and dissemination of class notice
0.2	Telephonic conference with Defendant's counsel regarding class notice
2.4	Review weekly mailing reports from settlement administrator; confer with settlement administrator regarding final approval; review admin declaration
10.7	Draft motion for final approval of settlement, proposed order, and supporting documents; further revise same
<u>138.8</u>	<u>TOTAL HOURS</u>

EXHIBIT B

4/20/2023
10:52 AM

DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Osman-Bravard, Jeanette v. Pla
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		
65712	EXP	Olympia	1	75.00	75.00
1/21/2021		Court fees			
WIP		Osman-Bravard, Jeanette v.			
LWDA					
66114	EXP	Olympia	1	6.90	6.90
1/31/2021		Postage			
WIP		Osman-Bravard, Jeanette v.			
Postage					
67134	EXP	Olympia	1	653.25	653.25
3/19/2021		Atty Service			
WIP		Osman-Bravard, Jeanette v.			
Attorney Service - Complaint					
67154	EXP	Olympia	1	156.10	156.10
4/6/2021		Atty Service			
WIP		Osman-Bravard, Jeanette v.			
Attorney Service - Complaint Service					
67703	EXP	Olympia	4	0.25	1.00
5/31/2021		Photocopies			
WIP		Osman-Bravard, Jeanette v.			
Photocopies					
67704	EXP	Olympia	1	0.51	0.51
5/31/2021		Postage			
WIP		Osman-Bravard, Jeanette v.			
Postage					
67848	EXP	Olympia	1	179.25	179.25
6/25/2021		Atty Service			
WIP		Osman-Bravard, Jeanette v.			
Attorney Service - CMS & POS of Summons					
67862	EXP	Howard L. Magee	1	2.50	2.50
7/12/2021		Court fees			
WIP		Osman-Bravard, Jeanette v.			
Nevada Superior Court Telephonic Appearance Cancellation					

4/20/2023
10:52 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		
69877	EXP	Olympia	1	600.00	600.00
12/7/2021		Arbitrators			
WIP		Osman-Bravard, Jeanette v.			
Russ J. Wunderli Mediation Deposit					
71533	EXP	Olympia	1	2400.00	2400.00
4/18/2022		Arbitrators			
WIP		Osman-Bravard, Jeanette v.			
Russ J. Wunderli Mediation					
72989	EXP	Olympia	1	289.50	289.50
8/26/2022		Atty Service			
WIP		Osman-Bravard, Jeanette v.			
Attorney Service - Notice of Settlement					
73321	EXP	Erika Mejia	1	131.00	131.00
9/29/2022		Atty Service			
WIP		Osman-Bravard, Jeanette v.			
Attorney Service - Motion					
73804	EXP	Olympia	1	286.50	286.50
9/29/2022		Atty Service			
WIP		Osman-Bravard, Jeanette v.			
Attorney Service - MPA					
73463	EXP	Olympia	1	61.64	61.64
10/3/2022		Delivery serv			
WIP		Osman-Bravard, Jeanette v.			
Federal Express					
74093	EXP	Erika Mejia	1	253.75	253.75
12/13/2022		Atty Service			
WIP		Osman-Bravard, Jeanette v.			
Attorney Service - Supp Brief					
74940	EXP	Mai Tulyathan	1	500.00	500.00
4/20/2023		Court fees			
WIP		Osman-Bravard, Jeanette v.			
Final Approval Filing Fees					
Grand Total					
		Billable	0.00		5596.90
		Unbillable	0.00		0.00
		Total	0.00		5596.90