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Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

JAMES JONES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

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

Defendants.

Case No.: RG21087839

(Assigned to the Honorable Brad Seligman, Dept.
23)

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

Date: September 12, 2023

Time: 3:00 P.M.

Dept.: 23

RES. ID: Per 5/16/23 Minute Order

Complaint Filed: February 4, 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, P.C., counsel of record for Plaintiff James Jones (“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 Stipulation of Settlement and Release and Amendment to Stipulation of Settlement and Release (together, the “Stipulation” or “Settlement Agreement”) is 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. Class Counsel engaged in extensive factual investigation before settling, including engaging in formal and informal discovery. Class Counsel reviewed sample time and payroll records of class members, and class and PAGA data produced by Defendant. This allowed Class Counsel to analyze liability and 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, Tripper Ortman, Esq. The Parties participated in mediation, and continued negotiations post-mediation for several months with the assistance of Mr. Ortman. Thus, this settlement should be granted final approval.

5. The Court preliminarily approved this settlement on May 16, 2023, directing distribution of the Notice of Class Action Settlement (“Class Notice”) and scheduling the hearing for final approval of the settlement (the “Preliminary Approval Order”).

6. At preliminary approval, the Parties previously provided the Court with an

1 estimate of 500 class members who worked a total of 13,000 pay periods during the se Class
2 Period. When the class list was provided by Defendant to the Settlement Administrator after
3 preliminary approval, there was an increase in the class count to 702. However, the pay period
4 count actually decreased from 13,000 pay periods to 12,328 pay periods.

5 7. This settlement is premised on and will be distributed based on the number of pay
6 periods worked by class members. In light of the decrease in the actual total pay periods worked
7 during the Class Period, the per pay period value has actually increased from the Parties'
8 estimate at preliminary approval. At preliminary approval, the per pay period value represented
9 to the Court is approximately \$32.65. Given that the actual pay period count has decreased, the
10 per pay period value has increased to \$34.63. As a result, class members who do not opt out of
11 the settlement will recover a higher amount per pay period that they worked during the Class
12 Period.

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

15 9. Any remaining monies from uncashed settlement checks will be distributed to the
16 State Bar of California's Justice Gap Fund, a source of funding for about 100 legal aid
17 organizations across the State of California, in accordance with California Civil Procedure § 384.
18 Plaintiff's Counsel does not have any relationship with or connection or to said
19 organization/program.

20 10. The settlement in the case at bar warrants approval and carries a presumption of
21 fairness. As previously noted in the application for preliminary approval, this current settlement
22 was negotiated at arm's length. I support the settlement as fair, reasonable, and adequate, and in
23 the best interest of the class members as a whole.

24 11. I am one of the primary attorneys on this matter. My qualifications are as
25 follows: I received my J.D. from Loyola Law School in 2017. I received the First Honors Award
26 in Legal Research and Writing, First Honors Award in Appellate Advocacy, and First Honors
27 Award in Civil Litigation Practicum I for achieving the highest grade in those classes. During
28 law school, I was a Staff Editor for Loyola Law Review. I was also an extern at the U.S. District

1 Court, Central District of California, for the Honorable Christina A. Snyder, and a certified law
2 clerk at the San Diego County District Attorney's Office, Collaborative Courts Division, and the
3 Los Angeles County District Attorney's Office, Consumer Protection and Environmental Crimes
4 Division. In 2016, I participated in Loyola Law School's Scott Moot Court Competition, where I
5 placed Top 16 and was awarded the Top Ten Brief Award. In 2017, I participated in the
6 Employment Rights Clinic, an extension of the Division of Labor Standards Enforcement created
7 to investigate retaliation complaints. Upon graduation from law school, I was admitted to the
8 California Bar in December 2017.

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

15 13. I am currently handling and/or have handled numerous wage and hour class action
16 and PAGA lawsuits.

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

25 15. I have also been certified and/or approved as class counsel in numerous other
26 wage/hour class actions. Most recently, I was certified as class counsel in the cases *Garcia v.*
27 *Wal-Mart Associates, Inc., et al.* (S.D. Cal., Case Number 3:18-cv-00500-L-MDD), *Richert v.*
28 *Samaritan, LLC, et al.* (Santa Clara County Superior Court, Case Number 17CV314186), *Song v.*

1 *THC – Orange County, Inc.* (C.D. Cal., Case No. 8-17-cv-965-JLS (DFM)), *Hernandez v. Wells*
2 *Fargo Bank National Ass’n, et al* (Santa Clara County Superior Court, Case No. 16-CV-299319),
3 and *Sims v. QG Printing II, LLC, et al.* (C.D. Cal., Case No. ED CV 20-1632-DMG (KKx)), as
4 part of the courts’ orders granting class certification pursuant to Fed. R. Civ. P. 23 and California
5 Code of Civil Procedure § 382.

6 16. To date, I have incurred approximately 116.3 hours in connection with the
7 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have
8 incurred to date.

9 17. In addition to the hours above, I also anticipate spending an additional 12 hours
10 through the completion of this case to handle any post-final approval and settlement matters,
11 including conferring and reviewing e-mails and other written communications with counsel for
12 Defendant and the Settlement Administrator, as well as communicating with class members
13 regarding payments and any related issues.

14 18. Thus, I anticipate the total amount of my fees incurred in this case to be
15 approximately \$76,980.00 based on 128.3 hours, at an hourly rate of \$600.00 per hour. In 2019
16 and 2020, I was approved at an hourly rate of \$450.00 per hour by various courts in a number of
17 matters, including but not limited to, *Lao v. H & M Hennes & Mauritz, L.P.* (N.D. Cal., Case No.
18 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank National Ass’n, et al* (Santa Clara County
19 Superior Court, Case No. 16-CV-299319), and *Abarca v. El Estero Car Wash, Inc. et al*
20 (Monterey County Superior Court, Case No. 18CV003398). In 2021, I was approved at the
21 hourly rate of \$500.00 in various cases, including *Baker v. California Forensic Medical Group,*
22 *Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Monterey County Superior
23 Court, Lead Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Monterey County
24 Superior Court, Case No. 19CV004512); and *Truong v. DS Services of America, Inc.* (Solano
25 County Superior Court, Case No. FCS054399). As of January 1, 2023, my hourly rate increased
26 to \$600.00 per hour. I was approved at the hourly rate of \$600.00 in *Moen v. Genentech, Inc.*
27 (San Diego County Superior Court, Case No. 37-2021-00008619-CU-OE-CTL), *Murray v.*
28 *Granite Wellness Centers et al.* (Nevada County Superior Court, Case No. CU20-084680),

1 *Cabalo v. Jones Lang LaSalle Americas, Inc.* (San Diego County Superior Court, Case No. 37-
2 2020-00044322-CU-OE-CTL), and *Osman-Bravard v. Placer Title Company* (Nevada County
3 Superior Court, Case No. CU21-085315).

4 19. My office has incurred costs in the amount of \$12,607.71. The costs are all
5 litigation related costs, including filing and service fees, court fees, postage fees, and costs
6 associated with mediation. Attached hereto as **Exhibit B** is copy of the costs incurred in
7 connection with this lawsuit.

8 20. Concurrent with the filing of the Motion for Final Approval of Class Action
9 Settlement, my office uploaded the Motion to the LWDA's website.

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

12 Executed on this 18th day of August 2023, at Los Angeles, California.

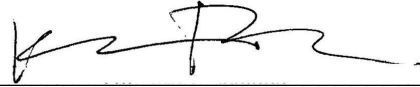
13 
14 _____
Mai Tulyathan

EXHIBIT A

Jones v. TFC Partners, Inc.
Mai Tulyathan Time and Task Chart

Hours	Description of Work
6.5	Pre-litigation factual investigation, review of file and client documents, confer with co-counsel and client regarding the case upon assignment to case
5.8	Draft PAGA Notice and Complaint
0.1	Meet and confer with opposing counsel regarding service of the Complaint and Summons
0.2	Review the Court's Notice of Hearing and Order re: complex determination
0.3	Review Defendant's Answer to the Complaint
1.7	Draft initial joint statement, meet and confer with opposing counsel for initial CMC, further review and revise joint statement
0.6	Review various Tentative Case Management Orders issued by the Court
2.5	Meet and confer with opposing counsel regarding mediation; draft and prepare informal discovery request in connection with mediation
0.5	Confer with client and co-counsel regarding mediation
4.4	Meet and confer with opposing counsel for case management conferences, draft, review and revise several joint statements and updated statements in connection therewith
0.3	Correspondence and meet and confer with opposing counsel regarding cancelling and rescheduling mediation
11.8	Review and analyze production of informal discovery for mediation, including sampling of class time and payroll data, and pay period and workweek data; substantial meet and confer with opposing counsel regarding data and documents for mediation
4.3	Confer with expert regarding analysis of data provided by Defendant; review expert's analysis
7.2	Draft mediation brief; conduct legal research in connection with same; revise and revise brief; conducted exposure analysis
8.5	Attend mediation
2.0	Follow-up conference calls with mediator post-mediation and opposing counsel;
4.1	Review Defendant's responses and objections to first set of written discovery (Requests for Production of Documents and Special Interrogatories)

Hours	Description of Work
9.6	Review and revise long-form settlement agreement; confer with opposing counsel regarding terms therein; confer with client regarding same
4.2	Draft, review and revise class notice to be sent to class members; confer with opposing counsel regarding same
0.3	Correspondence with settlement administrator regarding administration and admin expenses; review bid
14.2	Draft motion for preliminary approval of settlement, proposed order, and supporting documents; further revise same
1.4	Review the Court's tentative ruling granting preliminary approval of settlement; further meet and confer with opposing counsel regarding issues
3.4	Draft supplemental brief and declaration to address issues re preliminary approval; further review and revise same
5.3	Draft amendment to settlement agreement; meet and confer with opposing counsel and co-counsel regarding same
1.0	Further revise class notice pursuant to the Court's instructions; draft second supplemental declaration for preliminary approval
0.2	Confer with court and opposing counsel regarding dates for final approval
0.3	Review order granting preliminary approval
1.7	Confer with settlement administrator regarding administration timeline, calculations and dissemination of class notice; confer with opposing counsel regarding increase in class count
1.2	Review weekly mailing reports from settlement administrator; confer with settlement administrator regarding final approval
12.7	Draft motion for final approval of settlement, proposed order, and supporting documents; further revise same
<u>116.3</u>	<u>TOTAL HOURS</u>

EXHIBIT B

8/9/2023
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DIVERSITY LAW GROUP
Slip Listing

Page 1

Selection Criteria

Slip Classification Open
Client (hand select) Include: Jones, James v. TFC
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		
65536	EXP	Olympia	1	75.00	75.00
1/5/2021		Court fees			
WIP		Jones, James v. TFC			
LWDA					
66099	EXP	Olympia	1	6.90	6.90
1/31/2021		Postage			
WIP		Jones, James v. TFC			
Postage					
66027	EXP	Olympia	1	1457.00	1457.00
2/4/2021		Court fees			
WIP		Jones, James v. TFC			
Alameda Fax Filing - Complaint					
66448	EXP	Olympia	1	294.00	294.00
2/23/2021		Atty Service			
WIP		Jones, James v. TFC			
Attorney Service - Complaint Service					
66850	EXP	Olympia	1	3.00	3.00
4/2/2021		Court fees			
WIP		Jones, James v. TFC			
Alameda Fax Filing - POS of Summons					
66848	EXP	Olympia	1	8.00	8.00
4/6/2021		Court fees			
WIP		Jones, James v. TFC			
Alameda Fax Filing - Notice of Complex Determination					
67274	EXP	Olympia	7	0.25	1.75
4/30/2021		Photocopies			
WIP		Jones, James v. TFC			
Photocopies					
67275	EXP	Olympia	1	0.71	0.71
4/30/2021		Postage			
WIP		Jones, James v. TFC			
Postage					

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DIVERSITY LAW GROUP
Slip Listing

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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		
67617	EXP	Olympia	1	4.00	4.00
6/15/2021		Court fees			
WIP		Jones, James v. TFC			
Alameda Fax Filing - Notice of Appearance					
68271	EXP	Olympia	1	10000.00	10000.00
8/2/2021		Arbitrators			
WIP		Jones, James v. TFC			
Ortman Mediation					
71540	EXP	Erika Mejia	1	9.05	9.05
4/19/2022		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - CMS					
72474	EXP	Erika Mejia	1	16.85	16.85
7/19/2022		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - CMS					
73397	EXP	Erika Mejia	1	16.85	16.85
10/18/2022		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - CMS					
73912	EXP	Olympia	1	1.00	1.00
12/21/2022		Court fees			
WIP		Jones, James v. TFC			
MPA Reservation					
74255	EXP	Erika Mejia	1	17.85	17.85
1/23/2023		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - CMS					
74672	EXP	Erika Mejia	1	79.65	79.65
3/10/2023		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - MPA					
74755	EXP	Erika Mejia	1	17.85	17.85
3/27/2023		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - CMS					
74924	EXP	Erika Mejia	1	17.85	17.85
4/18/2023		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - CMS					

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DIVERSITY LAW GROUP
Slip Listing

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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		
74926	EXP	Erika Mejia	1	17.85	17.85
4/18/2023		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - Supp Brief					
75032	EXP	Olympia	1	17.85	17.85
5/3/2023		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - Supp Decl of KT & Proposed Order					
75096	EXP	Erika Mejia	1	17.85	17.85
5/9/2023		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - CMS					
75138	EXP	Olympia	1	9.00	9.00
5/17/2023		Online researc			
WIP		Jones, James v. TFC			
Online MPA Order					
75185	EXP	Olympia	1	17.85	17.85
5/17/2023		Court fees			
WIP		Jones, James v. TFC			
ACE E Filing - NOE					
75880	EXP	Mai Tulyathan	1	500.00	500.00
8/9/2023		Court fees			
WIP		Jones, James v. TFC			
MFA Filing Fees					
Grand Total					
Billable			0.00		12607.71
Unbillable			0.00		0.00
Total			0.00		12607.71