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

CASSANDRA NEGRETE, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

WINSUPPLY INC., a Delaware
corporation; ORANGE COUNTY
WINDUSTRIAL CO., a Delaware
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 30-2021-01188066-CU-OE-CXC

(Assigned for all purposes to the Hon. Randall J.
Sherman, Dept. CX105)

**DECLARATION OF KWANPORN “MAI”
TULYATHAN IN SUPPORT OF PLAINTIFF’S
MOTION FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: July 14, 2023

Time: 10:00 a.m.

Dept.: CX105

Complaint Filed: March 9, 2021

FAC Filed: April 13, 2022

SAC Filed: January 19, 2023

Trial Date: None Set

1 **DECLARATION OF KWANPORN “MAI” TULYATHAN**

2 I, Kwanporn “Mai” Tulyathan, declare as follows:

3 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
4 California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiff
5 Cassandra Negrete (“Plaintiff”). I have personal knowledge of the facts set forth below and if called
6 to testify I could and would do so competently.

7 2. The Class Notice provided Class Members with my office’s contact information,
8 where they could further seek information regarding the settlement, leave questions for the
9 Settlement Administrator, and update their address. As part of the settlement process, I have
10 received a number of phone calls from Class Members regarding this settlement, all of whom I have
11 responded to.

12 3. There were no objections to the amount of attorney’s fees or litigation costs that
13 Class Counsel seek in this case and for which Plaintiff asks the Court for final approval.

14 4. The Joint Stipulation of Class Action and PAGA Settlement was the product of
15 negotiation between highly able and experienced attorneys on both sides who possessed the
16 relevant data and extensive legal research which they had carefully analyzed. Class Counsel
17 engaged in extensive factual investigation before settling, including reviewing class data. This
18 allowed Plaintiff to conduct a full damage analysis.

19 5. The settlement in the case at bar warrants approval and carries a presumption of
20 fairness. I support the settlement as fair, reasonable, and adequate, and in the best interest of the
21 Class Members as a whole.

22 6. I have been approved as class counsel in numerous other wage/hour class actions
23 that have been granted class certification and final approval.

24 7. My qualifications are as follows: I received my J.D. from Loyola Law School in
25 2017. I received the First Honors Award in Legal Research and Writing, First Honors Award in
26 Appellate Advocacy, and First Honors Award in Civil Litigation Practicum I for achieving the
27 highest grade in those classes. During law school, I was a Staff Editor for Loyola Law Review. I
28 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.

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

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

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

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

9 12. Moreover, I was granted final approval as class counsel in *Lao v. H & M Hennes &*
10 *Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Abarca v. El Estero Car Wash, Inc. et al* (Case No.
11 18CV003398), *Valles v. Community Hospital of the Monterey Peninsula* (Case No. 17CV003452),
12 *Chavez v. Hugo Boss Retail, Inc.* (Case No. 18CV322644), *Hernandez v. Wells Fargo Bank*
13 *National Ass’n, et al* (Case No. 16-CV-299319); *Baker v. California Forensic Medical Group, Inc.,*
14 *et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez*
15 *v. Falcon Trading Company* (Case No. 19CV004512); *Truong v. DS Services of America, Inc.*
16 (Case No. FCS054399).

17 13. To date, I have incurred approximately 45.3 hours in connection with the litigation
18 of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of work I have
19 done to date on this matter.

20 14. Thus, the total amount of my fees incurred in this case to be approximately
21 \$27,180.00, based on at an hourly rate of \$600.00 per hour. In 2019 and 2020, I was approved at an
22 hourly rate of \$450.00 per hour by various Courts in a number of matters, including but not limited
23 to, *Lao v. H & M Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo*
24 *Bank National Ass’n, et al* (Case No. 16-CV-299319), and *Abarca v. El Estero Car Wash, Inc. et al*
25 (Case No. 18CV003398). In 2021, I was approved at the hourly rate of \$500.00 in various cases,
26 including *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination
27 Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Case
28 No. 19CV004512); and *Truong v. DS Services of America, Inc.* (Case No. FCS054399). As of

1 January 1, 2023, my hourly rate increased to \$600.00 per hour. I was approved at the hourly rate of
2 \$600.00 in *Moen v. Genentech, Inc.* (San Diego Superior Court Case No. 37-2021-00008619-CU-
3 OE-CTL) and *Murray v. Granite Wellness Centers et al.* (Nevada County Superior Court Case No.
4 CU20-084680).

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

7 Executed on this 21st day of June 2023, at Los Angeles, California.

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Kwanporn "Mai" Tulyathan

EXHIBIT A

Negrete v. Winsupply Inc.
Kwanporn “Mai” Tulyathan Time and Task Chart

Hours	Description of Work
15.2	Confer with co-counsel regarding theories of liability and review documents produced in case in anticipation of mediation and to assist with pre-mediation discovery and analysis; create outline of information to obtain from putative class members re experiences to support substantive theories of liability and joint employer issue.
17.6	Confer with potential class members regarding experiences working for Defendant in advance of mediation to evaluate theories of liability and to investigate/lend support for joint employer theory of liability given separate entities utilized across California and evaluate experiences to support damages analysis.
2.1	Draft and revise mediation brief considering interviews and factual investigation; confer and strategize with co-counsel re same.
5.5	Return and respond to inquiries from putative class members during approval process; confer with co-counsel re same.
4.9	Analyze and review motion for preliminary approval, supplemental briefing re same, and court’s order re same; draft and revise declaration in support of final approval; draft and revise motion for final approval; confer with co-counsel re same.
45.3	TOTAL HOURS