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Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA

TONY CATELLI, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

INNOVATIVE CONSTRUCTION
SOLUTIONS, a California corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: MSC21-01257

(Assigned for all purposes to the Honorable
Edward G. Weil, Department 39)

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

Date: TBD
Time: 9:00 a.m.
Dept.: 39

Complaint Filed: June 1, 2021
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 Tony Catelli (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to
6 testify I could and would do so competently.

7 2. From the inception of the case, Plaintiff’s counsel has zealously represented the
8 interests of the putative class. The settlement was obtained for the benefit of the putative class, as
9 opposed to the individual Plaintiff.

10 3. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the
11 fairness of the settlement, which is based on factoring in the inherent risks in drawn-out
12 litigation and the specific risks that a class might not be certified and/or that Plaintiff could fail to
13 establish liability, as well as the possibility of appeals.

14 4. After taking into account sharply disputed factual and legal issues involved in this
15 litigation, the risks attending further prosecution, and the substantial benefits to be received
16 pursuant to the compromise and settlement of the litigation, I have concluded that settlement on
17 the terms set forth in the Joint Stipulation of Class Action and PAGA Settlement (“Settlement
18 Agreement”) is appropriate and in the best interests of Plaintiff and the putative class.

19 5. Plaintiff’s counsel has been approved as class counsel in a number of wage and
20 hour class actions and have extensive litigation experience.

21 6. My qualifications are as follows: I received my JD from Loyola Law School in
22 2017. I received the First Honors Award in Legal Research and Writing, First Honors Award in
23 Appellate Advocacy, and First Honors Award in Civil Litigation Practicum I for achieving the
24 highest grade in those classes. During law school, I was a Staff Editor for Loyola Law Review. I
25 was also an extern at the U.S. District Court, Central District of California, for the Honorable
26 Christina A. Snyder, and a certified law clerk at the San Diego County District Attorney’s
27 Office, Collaborative Courts Division, and the Los Angeles County District Attorney’s Office,
28 Consumer Protection and Environmental Crimes Division. In 2016, I participated in Loyola Law

1 School's Scott Moot Court Competition, where I placed Top 16 and was awarded the Top
2 Ten Brief Award. In 2017, I participated in the Employment Rights Clinic, an extension of the
3 Division of Labor Standards Enforcement created to investigate retaliation complaints. Upon
4 graduation from law school, I was admitted to the California Bar in December 2017.

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

11 8. I am currently handling and/or have handled numerous wage and hour class action
12 and PAGA lawsuits, including *Magadia v. Wal-Mart Associates, Inc., et al.* (Case Number 5:17-
13 cv-00062-LHK); *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-
14 MDD); *Hernandez v. Wells Fargo Bank, N.A.* (Case Number 16CV299319); *Lao v. H & M*
15 *Hennes & Mauritz, L.P.* (Case Number 5:16-cv-333 EJD); *Arroyo v. Int'l Paper Company* (Case
16 Number 5:17-cv-06211-BLF); *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial
17 Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); and *Garcia v. Apex*
18 *Systems, LLC, et al.* (Case Number RG19014709).

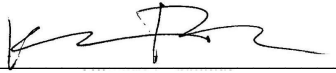
19 9. In 2018, I argued before the California Court of Appeal, Second Appellate
20 District, in the case of *Lee v. California Commerce Club, Inc.* (California Court of Appeal Case
21 Number B276171, LASC Case Number BC596924), and *Perez v. Standard Drywall, Inc.*
22 (California Court of Appeal Case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

27 10. I have also been approved as class counsel in numerous other wage/hour class
28 actions. Most recently, I was approved as class counsel in the cases *Garcia v. Wal-Mart*

1 *Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan, LLC, et al.*
2 (Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (Case No. 8-17-cv-965-JLS
3 (DFM)), and *Hernandez v. Wells Fargo Bank National Ass’n, et al* (Case No. 16-CV-299319).
4 Moreover, I was granted final approval as class counsel in *California Forensic Medical Group*
5 *Wage and Hour Cases* (Case No. JCCP4999), *Valles v. Community Hospital of the Monterey*
6 *Peninsula* (Case No. 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case No. 18CV322644),
7 *Hernandez v. Wells Fargo Bank National Ass’n, et al* (Case No. 16-CV-299319), *Mendez v.*
8 *Falcon Trading Company* (Case No. 19CV004512), *Khan v. Amy’s Kitchen, Inc.* (Case No.
9 SCV-266127), and *Truong v. DS Services of America, Inc.* (Case No. FCS054399). I acted as
10 lead counsel in these cases listed above.

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

13 Executed on this 14th day of December 2022, at Los Angeles, California.

14
15 
16 Kwanporn “Mai” Tulyathan