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

SHARON MORRIS, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

COMMUNITY HOSPITAL OF THE
MONTEREY PENINSULA, a California
nonprofit corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 21CV001953

(Assigned to the Honorable Thomas W. Wills,
Dept. 15)

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

Date: September 9, 2022

Time: 8:30 a.m.

Dept.: 15

Complaint Filed: June 16, 2021

FAC Filed: August 6, 2021

SAC Filed: January 24, 2022

Trial Date: None 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 with the law firm Diversity Law Group, counsel of record for Named Plaintiff Sharon Morris (“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” 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 during a full-day mediation with an experienced neutral, Mike Masuda, Esq., that resulted in the settlement.

4. Class Counsel engaged in extensive factual investigation before settling, including the exchange of informal discovery before mediation. Specifically, Class Counsel reviewed class data, including data pertaining to the number of class members and aggrieved employees, number of pay periods at issue, sample payroll and timekeeping data for the putative class, and Defendant's various policy documents regarding payment of sick pay/paid time off and meal and rest period premiums.

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. Any remaining monies from uncashed settlement checks will be distributed to the *cy pres* recipient Watsonville Law Center, a non-profit organization that provides free legal services and referral information to low-income individuals, in accordance with C.C.P. § 384.

1 Plaintiff's Counsel does not have any relationship with or connection to said organization.

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

15 8. I am currently an associate at the law firm Diversity Law Group, P.C., an
16 employment law firm that has handled numerous wage and hour class and individual actions, on
17 both plaintiff and defense sides. The firm currently has cases in numerous state courts, including
18 the Santa Clara Superior Court, Los Angeles Superior Court, Orange County Superior Court, San
19 Diego County Superior Court, Monterey County Superior Court, as well as the United States
20 District Courts for the Central, Northern, Southern, and Eastern Districts of California. I have
21 handled and am currently handling numerous wage and hour class action and PAGA lawsuits,
22 including *Magadia v. Wal-Mart Associates, Inc., et al.* (Case Number 5:17-cv-00062-LHK);
23 *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD); *Arroyo v.*
24 *Int'l Paper Company* (Case Number 5:17-cv-06211-BLF); *Baker v. California Forensic Medical*
25 *Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No.
26 17CV003723); *Westmoreland v. KinderCare Education LLC* (Case Number CGC-19-573125);
27 *Arrington v. Automatic Data Process Insurance Agency, Inc.* (Case Number 30-2019-01099994-
28 CU-OE-CXC); *Martin v. Wells Fargo Bank* (Case Number 19-cv-01969-JAK).

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

9 10. I have also been certified as part of the court's orders granting class certification
10 and/or approved as class counsel as part of class/PAGA settlement approval process in numerous
11 other wage/hour class actions. Most recently, I was certified and/or approved as class counsel in
12 the cases *Garcia v. Wal-Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD),
13 *Richert v. Samaritan, LLC, et al.* (Case Number 17CV314186), *Song v. THC – Orange County,*
14 *Inc.* (Case No. 8-17-cv-965-JLS (DFM)), and *Hernandez v. Wells Fargo Bank National Ass'n, et*
15 *al* (Case No. 16-CV-299319). Moreover, I was granted final approval as class counsel in *Lao v.*
16 *H & M Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Abarca v. El Estero Car Wash,*
17 *Inc. et al* (Case No. 18CV003398), *Valles v. Community Hospital of the Monterey Peninsula*
18 (Case No. 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case No. 18CV322644), *Hernandez*
19 *v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319); *Baker v. California*
20 *Forensic Medical Group, Inc., et al.,* Judicial Council Coordination Proceeding No. 4999 (Lead
21 Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Case No. 19CV004512); *Truong*
22 *v. DS Services of America, Inc.* (Case No. FCS054399).

23 11. To date, I have incurred approximately 107.8 hours in connection with the
24 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
25 work I have incurred to date on this matter.

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

13. Thus, the total amount of my fees incurred in this case to be approximately \$58,900.00 based on at an hourly rate of \$500.00 per hour. In 2019 and 2020, I have been approved at an hourly rate of \$450.00 per hour by various Courts in a number of matters, including but not limited to, *Lao v. H & M Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Case No. 16-CV-299319), and *Abarca v. El Estero Car Wash, Inc. et al* (Case No. 18CV003398). As of January 1, 2021, I increased my hourly rate to \$500.00 per hour. I have been approved at the hourly rate of \$500.00 in other cases in 2021, including *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Case No. 19CV004512); and *Truong v. DS Services of America, Inc.* (Case No. FCS054399).

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

Executed on this 15th day of August 2022, at Los Angeles, California.


Mai Tulyathan

EXHIBIT A

Morris v. CHOMP
Mai Tulyathan Time and Task Chart

Hours	Description of Work
6.5	Review case file; confer with co counsel re lawsuit theories; legal research re same
2.1	Review and revise PAGA letters; confer with client and counsel re same
10.8	Draft complaint, first amended complaint and second amended complaint; draft stipulation to filing same; confer with counsel re same
2.2	Research potential related cases
9.7	Draft first set of written discovery to defendant; confer with counsel re same
10.4	Confer with counsel re mediation issues and class data; review pre-mediation data and calculate potential damages
16.6	Draft mediation brief; review and revise same; attend mediation
20.1	Review additional post-mediation data; calculate class damages; meet and confer with counsel re settlement issues
13.6	Draft MOU; review and revise same; draft long form settlement agreement and supporting documents; review and revise same; confer with counsel re same
6.2	Draft Motion for Preliminary Approval and supporting documents; review and revise same; confer with counsel re same
5.7	Confer with class members re settlement
3.9	Review and revise motion for final approval and supporting documents
107.8	TOTAL HOURS