

Larry W. Lee (State Bar No. 228175)  
Max W. Gavron (State Bar No. 291697)  
Kwanporn “Mai” Tulyathan (State Bar No. 316704)  
**DIVERSITY LAW GROUP, P.C.**  
515 S. Figueroa Street, Suite 1250  
Los Angeles, CA 90071  
Telephone: (213) 488-6555  
Facsimile: (213) 488-6554  
lwlee@diversitylaw.com  
mgavron@diversitylaw.com  
ktulyathan@diversitylaw.com

B. James Fitzpatrick (SBN: 129056)  
Laura L. Franklin (SBN: 282642)  
**FITZPATRICK & SWANSTON**  
555 South Main Street  
Salinas, CA 93901  
Telephone: (831) 755-1311  
Facsimile: (831) 755-1319  
bjfitzpatrick@fandslegal.com  
lfranklin@fandslegal.com

Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF SANTA CLARA**

NICOLAS SERAFICA, as an individual and  
on behalf of all others similarly situated,

Plaintiff,

vs.

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

Defendants.

Case No.: 21CV386574

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

Date: January 12, 2023

Time: 1:30 P.M.

Dept.: 1

Complaint Filed: September 9, 2021

FAC Filed: October 14, 2021

Trial Date: None Set

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

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

6 2. The Notice of Settlement (“Class Notice”) provided Class Members with my  
7 office’s contact information, where they could further seek information regarding the class  
8 settlement, leave questions for the Settlement Administrator, and update their address.

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

11 4. The Settlement Agreement was the product of negotiation between highly able  
12 and experienced attorneys on both sides who possessed the relevant data and extensive legal  
13 research which they had carefully analyzed. Class Counsel engaged in extensive factual  
14 investigation before settling, including reviewing class data produced by Defendant. This  
15 allowed Plaintiff to conduct a full damage analysis.

16 5. The settlement in the case at bar warrants approval and carries a presumption of  
17 fairness. As previously noted in the application for Preliminary Approval, this current  
18 settlement was negotiated at arm’s length. I support the settlement as fair, reasonable, and  
19 adequate, and in the best interest of the Class Members as a whole.

20 6. My firm has a great deal of experience in wage and hour class action litigation  
21 and has been approved as class counsel in a number of class actions.

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

1 Attorney's Office, Consumer Protection and Environmental Crimes Division. In 2016, I  
2 participated in Loyola Law School's Scott Moot Court Competition, where I placed Top 16  
3 and was awarded the Top Ten Brief Award. In 2017, I participated in the Employment  
4 Rights Clinic, an extension of the Division of Labor Standards Enforcement created to  
5 investigate retaliation complaints. Upon graduation from law school, I was admitted to the  
6 California Bar in December 2017.

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

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

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

1 chaired the bench trial in that same case in December 2018.

2 11. I have also been approved as class counsel in numerous other wage/hour class  
3 actions. Most recently, I was approved as class counsel in the cases *Garcia v. Wal-Mart*  
4 *Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan, LLC, et*  
5 *al.* (Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (Case No. 8-17-cv-965-  
6 JLS (DFM)), and *Hernandez v. Wells Fargo Bank National Ass’n, et al* (Case No. 16-CV-  
7 299319). Moreover, I was granted final approval as class counsel in *California Forensic*  
8 *Medical Group Wage and Hour Cases* (Case No. JCCP4999), *Valles v. Community Hospital*  
9 *of the Monterey Peninsula* (Case No. 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case  
10 No. 18CV322644), *Hernandez v. Wells Fargo Bank National Ass’n, et al* (Case No. 16-CV-  
11 299319), *Mendez v. Falcon Trading Company* (Case No. 19CV004512), *Khan v. Amy’s*  
12 *Kitchen, Inc.* (Case No. SCV-266127), and *Truong v. DS Services of America, Inc.* (Case No.  
13 FCS054399). I acted as lead counsel in these cases listed above.

14 12. To date, I have incurred approximately 72.2 hours in connection with the  
15 litigation of this lawsuit, as reflected in the summary of tasks attached hereto as **Exhibit A.**

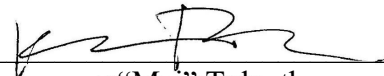
16 13. The total lodestar for my hours will be approximately \$36,100.00 based on an  
17 hourly rate of \$500.00 per hour (72.2 hours x \$500.00 per hour). I have been approved at an  
18 hourly rate of \$450.00 per hour by various Courts, including but not limited to, *Lao v. H & M*  
19 *Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank*  
20 *National Ass’n, et al* (Case No. 16-CV-299319), and *Abarca v. El Estero Car Wash, Inc. et al*  
21 (Case No. 18CV003398). As of January 1, 2021, I increased my hourly rate to \$500.00 per  
22 hour. I have been approved at the hourly rate of \$500.00, including *Baker v. California*  
23 *Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999  
24 (Lead Case No. 17CV003723), *Mendez v. Falcon Trading Company* (Case No. 19CV004512),  
25 and *Truong v. DS Services of America, Inc.* (Case No. FCS054399).

26 14. I do not have any conflicts of interest with the proposed cy pres recipient, Legal  
27 Aid at Work.

28 I declare under penalty of perjury under the laws of the State of California that the

1 foregoing is true and correct.

2 Executed on this 19<sup>th</sup> day of December 2022, at Los Angeles, California.

3   
4 Kwanporn "Mai" Tulyathan

# EXHIBIT A

**Serafica v. HGST**  
**Mai Tulyathan Time and Task Chart**

| Hours       | Description of Work                                                                                       |
|-------------|-----------------------------------------------------------------------------------------------------------|
| 3.3         | Review client documents; research potential theories of case                                              |
| 8.6         | Draft complaint and PAGA letter; review and revise same                                                   |
| 1.1         | Review initial court notices and guidelines re class actions                                              |
| 2.3         | Confer with counsel re CMC; draft, review and revise joint statements                                     |
| 6.6         | Review arbitration agreement; legal research re enforcement of same; meet and confer with counsel re same |
| 9.4         | Draft initial set of written discovery requests                                                           |
| 16.3        | Review class data produced by Defendant; review and revise class damages re same; draft mediation brief   |
| 10.8        | Attend mediation                                                                                          |
| 4.2         | Draft, review and revise MOU; confer with counsel re same                                                 |
| 9.6         | Review and revise long form settlement documents; conferences with opposing counsel re same               |
| <b>72.2</b> | <b>TOTAL HOURS</b>                                                                                        |