

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

Kelsey A. Webber (State Bar No. 303721)
Kelsey.Webber@WebberLawGroup.com
Shaelyn A. Stewart (State Bar No. 335149)
Shaelyn.Stewart@webberlawgroup.com
WEBBER & EGBERT EMPLOYMENT LAW, P.C.
1610 R Street, Suite 300
Sacramento, CA 95811
Telephone: (916) 588-0683

Attorneys for Plaintiff and the Class

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

VINCENT RAMSEY JR., individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

PACKAGING CORPORATION OF AMERICA,
et al.,

Defendants.

VINCENT RAMSEY JR., individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

PACKAGING CORPORATION OF AMERICA,
et al.,

Defendants.

Case No. 34-2021-00313350-CU-OE-GDS
[Consolidated with 34-2022-00316273-CU-OE-GDS]

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

Date: November 17, 2023

Time: 9:00 a.m.

Dept.: 28

Complaint Filed: December 29, 2021

FAC Filed: July 1, 2022

Trial Date: None

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, counsel of record for Plaintiff Vincent
5 Ramsey (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I
6 could and would do so competently.

7 2. From the inception of the case, Plaintiff’s counsel have 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 litigation
12 and the specific risks that a class might not be certified and/or that Plaintiff could fail to establish
13 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 pursuant
16 to the compromise and settlement of the litigation, I have concluded that settlement on the terms set
17 forth in the Stipulation Re: Settlement of Class and PAGA Action (“Stipulation”) is appropriate and
18 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 hour
20 class actions and have extensive litigation experience.

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

1 Competition, where I placed Top 16 and was the awarded the Top Ten Brief Award. In 2017, I
2 participated in the Employment Rights Clinic, an extension of the Division of Labor Standards
3 Enforcement created to investigate retaliation complaints. Upon graduation from law school, I was
4 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 employment
6 law firm that has handled numerous wage and hour class and individual actions, on both plaintiff and
7 defense sides. The firm currently has cases in numerous state courts, including the Santa Clara
8 Superior Court, Los Angeles Superior Court, Orange County Superior Court, San Diego County
9 Superior Court, Monterey County Superior Court, as well as the United States District Courts for the
10 Central, Northern, Southern, and Eastern Districts of California.

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

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

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

1 *Mart Associates, Inc., et al.* (Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan, LLC, et*
2 *al.* (Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (Case No. 8-17-cv-965-JLS

3 (DFM)), *Hernandez v. Wells Fargo Bank National Ass’n, et al* (Case No. 16-CV-299319), and *Sims*
4 *v. QG Printing II, LLC, et al.* (Case No. ED CV 20-1632-DMG (KKx)), as part of the Courts’ orders
5 granting class certification pursuant to Rule 23 of the FRCP and California Code of Civil Procedure
6 § 382.

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

15 12. I will adequately represent the Class Members in this action. I have no conflicts with
16 the Class and will adequately represent the Class.

17 13. I do not have any relationship with the designated *cy pres* recipient, Center for
18 Employment Opportunities, that would constitute a conflict of interest.

19 14. To date, I have incurred approximately 24.6 hours in connection with the litigation of
20 this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of work I have
21 incurred to date on this matter.

22 15. Thus, the total amount of my fees incurred in this case to be approximately \$14,760.00
23 based on at an hourly rate of \$600.00 per hour. In 2019 and 2020, I was approved at an hourly rate
24 of \$450.00 per hour by various Courts in a number of matters, including but not limited to, *Lao v. H*
25 *& M Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Hernandez v. Wells Fargo Bank National*
26 *Ass’n, et al* (Case No. 16-CV-299319), and *Abarca v. El Estero Car Wash, Inc. et al* (Case No.
27 18CV003398). In 2021, I was approved at the hourly rate of \$500.00 in various cases, including
28

1 *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding
2 No. 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Case No.
3 19CV004512); and *Truong v. DS Services of America, Inc.* (Case No. FCS054399). As of January 1,
4 2023, my hourly rate increased to \$600.00 per hour. I was approved at the hourly rate of \$600.00 in
5 *Moen v. Genentech, Inc.* (San Diego Superior Court Case No. 37-2021-00008619-CU-OE-CTL) and
6 *Murray v. Granite Wellness Centers et al.* (Nevada County Superior Court Case No. CU20-084680).

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

9 Executed on this 25th day of October 2023, at Los Angeles, California.

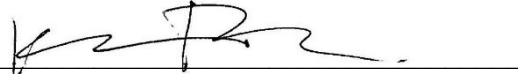
10 
11 Kwanporn "Mai" Tulyathan

EXHIBIT A

Ramsey v. Packaging Corporation of America, et. al. (as consolidated)
Kwanporn “Mai” Tulyathan Time and Task Chart

Hours	Description of Work
9.2	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.
7.5	Conduct legal research re defenses raised by Defendant to Section 226 claim, including analysis of whether good faith defense applicable to claim and knowing and intentional requirement given recent developments in case law.
2.1	Further draft and revise mediation brief considering legal research; confer and strategize with co-counsel re same.
1.9	Further draft and revise settlement agreement and supporting documents.
3.9	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.
24.6	TOTAL HOURS