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Attorneys for Plaintiff and aggrieved employees

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

STEPHEN JARAMILLO, as an individual
and on behalf of all others similarly
situated,

Plaintiff,

vs.

USS-UPI, LLC, a Delaware limited
liability company formerly known as
USS POSCO Industries; and DOES 1
through 50, inclusive,

Defendants.

Case No.: C22-00641

(Assigned to the Honorable Charles S. Treat,
Dept. 12)

**DECLARATION OF KWANPORN “MAI”
TULYATHAN IN SUPPORT OF
PLAINTIFF’S MOTION TO APPROVE
SETTLEMENT AGREEMENT PURSUANT
TO THE PRIVATE ATTORNEYS GENERAL
ACT OF 2004**

Date: TBD
Time: 8:30 A.M.
Dept.: 12

Complaint Filed: April 7, 2022
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, counsel of record for Plaintiff
5 Stephen Jaramillo (“Plaintiff”). I have personal knowledge of the facts set forth below and if
6 called to testify I could and would do so competently.

7 2. I was retained based upon a contingency fee arrangement wherein Plaintiff’s
8 counsel agreed to advance all costs and receive no fee unless a recovery was accomplished.
9 Specifically, had Plaintiff failed to prevail on this case, counsel for Plaintiff would have spent a
10 significant amount of time, money and other resources without any benefit or return. In addition,
11 had Plaintiff also failed to prevail in the present cases, Defendant would have been able to seek
12 costs in connection with their defense of the case.

13 3. From the inception of the case, Plaintiff’s counsel have zealously represented the
14 interests of Plaintiff and the aggrieved employees (“PAGA Members”). The settlement was
15 obtained for the benefit of the PAGA Members, as opposed to the individual Plaintiff.

16 4. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the
17 fairness of the settlement, which is based on factoring in the inherent risks in drawn-out
18 litigation, as well as the possibility of appeals.

19 5. After taking into account sharply disputed factual and legal issues involved in this
20 litigation, the risks attending further prosecution, and the substantial benefits to be received
21 pursuant to the compromise and settlement of the litigation, I have concluded that settlement on
22 the terms set forth in the Private Attorneys General Act Settlement Agreement and Release
23 (“Settlement Agreement”) is appropriate and in the best interests of Plaintiff and the PAGA
24 Members.

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

1 was also an extern at the U.S. District Court, Central District of California, for the Honorable
2 Christina A. Snyder, and a certified law clerk at the San Diego County District Attorney's
3 Office, Collaborative Courts Division, and the Los Angeles County District Attorney's Office,
4 Consumer Protection and Environmental Crimes Division. In 2016, I participated in Loyola Law
5 School's Scott Moot Court Competition, where I placed Top 16 and was awarded the Top
6 Ten Brief Award. In 2017, I participated in the Employment Rights Clinic, an extension of the
7 Division of Labor Standards Enforcement created to investigate retaliation complaints. Upon
8 graduation from law school, I was admitted to the California Bar in December 2017.

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

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

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

1 of *Magadia v. Wal-Mart Associates, Inc.* (Case Number 17-CV-00062-LHK). I third chaired the
2 bench trial in that same case in December 2018.

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

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

19 12. To date, I have incurred approximately 19.6 hours in connection with the
20 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
21 work I have incurred to date on this matter.

22 13. Thus, the total amount of my fees incurred in this case to be approximately
23 \$11,760.00 based on at an hourly rate of \$600.00 per hour. In 2019 and 2020, I was approved at
24 an hourly rate of \$450.00 per hour by various Courts in a number of matters, including but not
25 limited to, *Lao v. H & M Hennes & Mauritz, L.P.* (Case No. 5:16:cv-333 EJD), *Hernandez v.*
26 *Wells Fargo Bank National Ass’n, et al* (Case No. 16-CV-299319), and *Abarca v. El Estero Car*
27 *Wash, Inc. et al* (Case No. 18CV003398). In 2021, I was approved at the hourly rate of \$500.00
28 in various cases, 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).

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

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

Executed on this 17th day of January 2024, at Los Angeles, California.

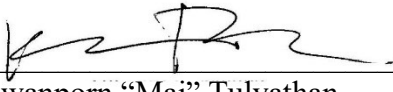

Kwanporn "Mai" Tulyathan

EXHIBIT A

Jaramillo v. USS-UPI
Mai Tulyathan Time and Task Chart

Hours	Description of Work
5.7	Analyze and review documents and pleadings to prepare to conduct legal research re collective bargaining agreement exemption to Labor Code § 204; confer with co-counsel re same.
8.4	Conduct legal research re applicability of collective bargaining agreement as defense to PAGA claim alleged; confer with co-counsel re same.
1.1	Confer with co-counsel re anticipated motion for summary judgment and opposition thereto considering research.
2.5	Confer with co-counsel re mediation and preparation for same given research re collective bargaining agreement defense; provide strategy and legal arguments re same; further draft and revise mediation brief.
1.9	Review and revise Motion for Approval and supporting documents
19.6	TOTAL HOURS