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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

HECTOR J. MEJIA on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

WALMART INC., a Delaware corporation;
and DOES 1 through 10, inclusive,

Defendant.

Case No.: CIVSB-2207614

[Assigned for all purposes to the Hon. David E.
Driscoll, Dept. S22]

**DECLARATION OF MAI TULYATHAN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: December 19, 2023
Time: 8:30 a.m.
Dept.: S22

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I, Mai Tulyathan, hereby declare and state 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 Plaintiffs Dearl Powell, Christina Gast, and Elijha Gonzalez (“Plaintiffs”) in the above-entitled action. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. From the inception of the case, Plaintiffs' Counsel have zealously represented the interests of the Class. This settlement was obtained for the benefit of the Class, as opposed to the Class Representatives.

3. Each side has apprised the other of their respective factual contentions, legal theories and defenses, resulting in extensive arms' length negotiations taking place among Plaintiffs and Defendants Wal-Mart, Inc., Wal-Mart Associates, Inc. and Wal-Mart Stores, Inc. (collectively, "Defendants") (Plaintiffs and Defendants collectively, the "Parties").

4. Based on their own independent investigation and evaluation, the Parties and their respective counsel are of the opinion that the Settlement for the consideration and on the terms set forth in the Joint Stipulation of Class and Representative Action Settlement are fair, reasonable, and adequate and the settlement is in the best interests of the Class and Defendant in light of all known circumstances and the expenses and risks inherent in litigation. Plaintiffs are aware that Defendants may raise defenses on the reduction of civil penalties pursuant to the Private Attorneys General Act (the “PAGA”) and that these arguments could be persuasive to the Court. Thus, even if Plaintiffs were to successfully prove their claims at trial, there is a possibility that the Court may only award a small percentage of the maximum PAGA penalties, as the Court has discretion to do so. The Maximum Settlement Amount was premised with these risks in mind associated with the possibility of the Court denying class certification, refusing to award waiting time penalties, and significantly reducing Plaintiffs’ PAGA penalties, along with other attendant risks.

1 5. Plaintiffs and Plaintiffs' counsel also believe in the fairness of the settlement that
2 is based on factoring in the uncertainty and risks to Plaintiffs in not prevailing on one or more of
3 the causes of action or theories alleged in the operative Complaint, the possibility of appeals.

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

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

23 8. I am currently handling and/or have handled numerous wage and hour class action
24 and PAGA lawsuits, including *Magadia v. Wal-Mart Associates, Inc., et al.* (N.D. Cal., Case
25 Number 5:17-cv-00062-LHK); *Garcia v. Wal-Mart Associates, Inc., et al.* (S.D. Cal., Case
26 Number 3:18-cv-00500-L-MDD); *Lao v. H & M Hennes & Mauritz, L.P.* (N.D. Cal., Case
27 Number 5:16-cv-333 EJD); *Arroyo v. Int'l Paper Company* (N.D. Cal., Case Number 5:17-cv-
28 06211-BLF); *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial Council

1 Coordination Proceeding No. 4999 (Monterey County Superior Court, Lead Case No.
2 17CV003723).

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

11 10. I have also been certified and/or approved as class counsel in numerous other
12 wage/hour class actions. Most recently, I was certified as class counsel in the cases *Garcia v.*
13 *Wal-Mart Associates, Inc., et al.* (S.D. Cal., Case Number 3:18-cv-00500-L-MDD), *Richert v.*
14 *Samaritan, LLC, et al.* (Santa Clara County Superior Court, Case Number 17CV314186), *Song v.*
15 *THC – Orange County, Inc.* (C.D. Cal., Case No. 8-17-cv-965-JLS (DFM)), *Hernandez v. Wells*
16 *Fargo Bank National Ass’n, et al* (Santa Clara County Superior Court, Case No. 16-CV-299319),
17 and *Sims v. QG Printing II, LLC, et al.* (C.D. Cal., Case No. ED CV 20-1632-DMG (KKx)), as
18 part of the courts’ orders granting class certification pursuant to Fed. R. Civ. P. 23 and California
19 Code of Civil Procedure § 382.

20 11. Moreover, I was granted final approval as class counsel in *Lao v. H & M Hennes*
21 *& Mauritz, L.P.* (Case No. 5:16-cv-333 EJD), *Abarca v. El Estero Car Wash, Inc. et al* (Case No.
22 18CV003398), *Valles v. Community Hospital of the Monterey Peninsula* (Case No.
23 17CV003452), *Chavez v. Hugo Boss Retail, Inc.* (Case No. 18CV322644), *Hernandez v. Wells*
24 *Fargo Bank National Ass’n, et al* (Case No. 16-CV-299319); *Baker v. California Forensic*
25 *Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No.
26 17CV003723); *Mendez v. Falcon Trading Company* (Case No. 19CV004512); *Truong v. DS*
27 *Services of America, Inc.* (Case No. FCS054399).

28 12. I will adequately represent the Class Members in this action. Plaintiff’s counsel

1 has and will zealously represent Plaintiff and the Class and pursue this lawsuit to its conclusion.

2 I have no conflicts with the Class and will adequately represent the Class.

3 I declare under penalty of perjury and the laws of the State of California that the
4 foregoing is true and correct and that this declaration was executed on October 12, 2023, at Los
5 Angeles, California.

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