

Marcus J. Bradley, Esq. (SBN 174156)
Kiley L. Grombacher, Esq. (SBN 245960)
BRADLEY/GROMBACHER, LLP
31365 Oak Crest Drive, Suite 240
Westlake Village, California 91361
Telephone: (805) 270-7100
Facsimile: (805) 270-7589
mbradley@bradleygrombacher.com
kgrombacher@bradleygrombacher.com

Garen Majarian, Esq. (SBN 334104)
Sahag Majarian II, Esq. (SBN 146621)
LAW OFFICES OF SAHAG MAJARIAN II
18250 Ventura Boulevard
Tarzana, California 91356
Telephone: (818) 609-0807
Facsimile: (818) 609-0892
garen@majarianlawgroup.com
sahagii@aol.com

Attorneys for Plaintiffs and the Class
(Additional Counsel on Next Page)

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
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: April 16, 2024

Time: 8:30 a.m.

Dept.: S22

1 Larry W. Lee (State Bar No. 228175)
2 Mai Tulyathan (State Bar No. 316704)
3 **DIVERSITY LAW GROUP, P.C.**
4 515 S. Figueroa St., Suite 1250
5 Los Angeles, California 90071
6 (213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
ktulyathan@diversitylaw.com

7 B. James Fitzpatrick (SBN: 129056)
8 Laura L. Franklin (SBN: 282642)
9 **FITZPATRICK & SWANSTON**
10 555 S. Main Street
11 Salinas, CA 93901
12 Telephone: (831) 755-1311
Facsimile: (831) 755-1319
bjfitzpatrick@fandslegal.com
lfranklin@fandslegal.com

13 Dennis S. Hyun (State Bar No. 224240)
14 **HYUN LEGAL, APC**
15 515 S. Figueroa St., Suite 1250
16 Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

17 Attorneys for Plaintiffs and the Class
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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 Dearn 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. 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, "Defendant") (Plaintiffs and Defendants collectively, the "Parties"). Based on their own independent investigation and evaluation, 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 (the "Agreement") 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 Defendant 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.

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

1 4. Plaintiffs and Plaintiffs' counsel are adequate representatives in that they have no
2 conflicts with the class and will adequately represent the class.

3 5. Pursuant to the Settlement Agreement and California case law, Plaintiffs' counsel
4 respectfully request 35% of the Maximum Settlement Amount, or \$4,200,000.00, in attorneys'
5 fees.

6 6. There were no objections to the amount of attorneys' fees or litigation costs that
7 Class Counsel seek in this case and for which Plaintiffs ask the Court for final approval.

8 7. The settlement in the case at bar warrants approval and carries a presumption of
9 fairness. As previously noted in the application for Preliminary Approval, this current settlement
10 was negotiated at arm's length. I support the settlement as fair, reasonable, and adequate, and in
11 the best interest of the Class Members as a whole.

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

25 9. I am currently an associate at the law firm Diversity Law Group, P.C., an
26 employment law firm that has handled numerous wage and hour class and individual actions, on
27 both plaintiff and defense sides. The firm currently has cases in numerous state courts, including
28 the Santa Clara Superior Court, Los Angeles Superior Court, Orange County Superior Court, San

1 Diego County Superior Court, Monterey County Superior Court, as well as the United States
2 District Courts for the Central, Northern, Southern, and Eastern Districts of California.

3 10. I am currently handling and/or have handled numerous wage and hour class action
4 and PAGA lawsuits.

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

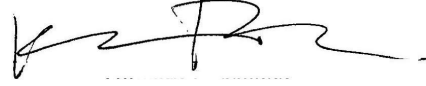
13 12. I have also been certified and/or approved as class counsel in numerous other
14 wage/hour class actions. Most recently, I was certified as class counsel in the cases *Garcia v.*
15 *Wal-Mart Associates, Inc., et al.* (S.D. Cal., Case Number 3:18-cv-00500-L-MDD), *Richert v.*
16 *Samaritan, LLC,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

22 13. Moreover, I was granted final approval as class counsel in *Lao v. H & M Hennes*
23 *& Mauritz, L.P.* (N.D. Cal., Case No. 5:16:cv-333 EJD), *Abarca v. El Estero Car Wash, Inc. et*
24 *al* (Monterey County Superior Court, Case No. 18CV003398), *Valles v. Community Hospital of*
25 *the Monterey Peninsula* (Monterey County Superior Court, Case No. 17CV003452), *Hernandez*
26 *v. Wells Fargo Bank National Ass’n, et al* (C.D. Cal., Case No. 16-CV-299319); *Baker v.*
27 *California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No.
28 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Monterey County

1 Superior Court, Case No. 19CV004512); *Truong v. DS Services of America, Inc.* (Case No.
2 FCS054399).

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

5 Executed on this 22nd day of March 2024, at Los Angeles, California.

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