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Attorneys for Plaintiff and the Class

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

RYAN MIDDLEBROOKS, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

FLEETPRIDE, INC., an Alabama
corporation; and DOES 1 through 50,
inclusive,

Defendants

Case No. 23CV-0202247

(Assigned to the Hon. Stephen H. Baker, Dept. 3)

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

Date: September 9, 2024

Time: 8:30 A.M.

Dept.: 3

Action Filed: May 16, 2023

Trial Date: November 5, 2024

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 Ryan
5 Middlebrooks (“Plaintiff”). I have personal knowledge of the facts set forth below and if called
6 to testify I 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
12 litigation and the specific risks that a class might not be certified and/or that Plaintiff could fail to
13 establish 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
16 pursuant to the compromise and settlement of the litigation, I have concluded that settlement on
17 the terms set forth in the Joint Stipulation Re: Class Action and Representative Action Settlement
18 (“Settlement,” “Agreement,” or “Settlement Agreement”) is appropriate and in the best interests
19 of Plaintiff and the putative class.

20 5. Plaintiff’s Counsel have been approved as class counsel in a number of wage and
21 hour class actions and have extensive litigation experience.

22 6. 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 in
24 Appellate Advocacy, and First Honors Award in Civil Litigation Practicum I for achieving the
25 highest grade in those classes. During law school, I was a Staff Editor for Loyola Law Review. I
26 was also an extern at the U.S. District Court, Central District of California, for the Honorable
27 Christina A. Snyder, and a certified law clerk at the San Diego County District Attorney’s
28 Office, Collaborative Courts Division, and the Los Angeles County District Attorney’s Office,

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

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

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

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

28 10. I have also been certified and/or approved as class counsel in numerous other

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

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

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

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

20 Executed on this 9th day of August 2024, at Los Angeles, California.

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Kwanporn “Mai” Tulyathan