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Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

OSCAR ROBLES, as an individual and on behalf of all others similarly situated,

Plaintiff,

vs.

BALLY AMERICAS INC., a Delaware corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 30-2024-01417922-CU-OE-CXC

(Assigned for all purposes to the Hon. William D. Claster, Dept. CX101)

DECLARATION OF MAI TULYATHAN IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Date: October 23, 2026
Time: 9:00 a.m.
Dept.: CX101

Action Filed: August 9, 2024
Trial Date: None Set

DECLARATION OF MAI TULYATHAN

I, Mai Tulyathan, declare 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 Plaintiff Oscar Robles ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. The proposed settlement meets the criteria for this Court to grant final approval of this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

3. The Joint Stipulation of Class Action and PAGA Settlement and the Amendment to Joint Stipulation of Class Action and PAGA Settlement (together, the "Agreement" or "Settlement Agreement") was the product of negotiation between highly able and experienced attorneys on both sides who possessed the relevant data and extensive legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including conducting significant meet and confer discussions with opposing counsel to obtain data for the entire class and to discuss the merits of the claims on behalf of the Settlement Class. This allowed Plaintiff to conduct a full damage analysis. The Parties engaged in arm's-length negotiations over the course of several months, resulting in this settlement.

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

5. The Court preliminarily approved this settlement on May 13, 2026, directing distribution of Class Notice and scheduling the hearing for final approval of settlement (the "Preliminary Approval Order").

6. After the Settlement Administrator received the Class List from Defendant, the Parties were informed of the increase in the number of actual PAGA pay periods from the estimated 345 to 370 pay periods, which triggered the Settlement Agreement's Escalator Clause.

7. The Settlement Administrator calculated a 2.25% increase in pay periods above

the allowed 5% increase, pursuant to the Escalator Clause. Specifically, the Settlement Administrator calculated a $3,656.25 increase in the Gross Settlement Amount as a result of the Escalator Clause. Taking this into account, this brings the Gross Settlement Amount to $166,156.25.

8. Plaintiff's counsel seeks a fee award calculated as approximately one-third (1/3) of the revised Gross Settlement Amount, or $55,385.42. Pursuant to the Settlement Agreement's Escalator Clause, the Settlement Administrator calculated a $3,656.25 increase in the Gross Settlement Amount over the initial $162,500.00 amount. As such, Plaintiff's counsel seeks an award of one-third (1/3) of the revised Gross Settlement Amount of $166,156.25, or $55,385.42 in attorneys' fees.

9. The Settlement Administrator modified the Class Notice to reflect the revised Gross Settlement Amount, which includes revising the initial $162,500.00 amount to reflect the revised Gross Settlement Amount of $166,156.25, and the attorneys' fees from $54,166.66 to an amount not to exceed $55,385.42, to reflect one-third of the revised Gross Settlement Amount. No other substantive changes were made to the Class Notice.

10. The Class Notice provided Class Members with my office's contact information, where they could seek information regarding the settlement, leave questions for the Settlement Administrator, and update their address.

11. There were no objections by Settlement Class Members to the amount of attorneys' fees or litigation costs as stated in the Class Notice.

12. Furthermore, zero opt-outs were submitted. In light of this overwhelmingly positive response from Settlement Class Members, an inference can be made that the Settlement Class supports the Court's Preliminary Approval Order finding that the Settlement Agreement is fair and reasonable.

13. Any uncashed funds resulting from the individual settlement payments to Settlement Class Members will be sent to the State Controller's Unclaimed Property Fund in the name of the Class Member to whom the funds were originally issued.

///

ATTORNEY EXPERIENCE

14. I have been approved as class counsel in numerous other wage/hour class actions that have been granted class certification and final approval.

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

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

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

18. In 2018, I argued before the California Court of Appeal, Second Appellate District, in the case of *Lee v. California Commerce Club, Inc.* (California Court of Appeal Case Number B276171, LASC Case Number BC596924), and *Perez v. Standard Drywall, Inc.* (California Court of Appeal Case Number A146819, Alameda Sup. Ct. No. RG15761142). In

that same year, I also assisted the firm in successfully obtaining class certification and partial summary judgment by the United States District Court, Central District of California in the case of *Magadia v. Wal-Mart Associates, Inc.* (Case Number 17-CV-00062-LHK). I third chaired the bench trial in that same case in December 2018.

19. I have also been certified and/or approved as class counsel in numerous other wage/hour class actions. Most recently, I was certified as class counsel in the cases *Garcia v. Wal-Mart Associates, Inc., et al.* (USDC, Southern District of California, Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan, LLC, et al.* (Santa Clara County Superior Court, Case Number 17CV314186), *Song v. THC – Orange County, Inc.* (USDC, Central District of California, Case No. 8-17-cv-965-JLS (DFM)), *Hernandez v. Wells Fargo Bank National Ass'n, et al* (Santa Clara County Superior Court, Case No. 16-CV-299319), *Sims v. QG Printing II, LLC, et al.* (USDC, Central District of California, Case No. ED CV 20-1632-DMG (KKx)), *Martinho v. Amazon.com, Inc., et al.* (USDC, Northern District of California, Case No. 4:22-CV-06849-YGR), as part of the Courts' orders granting class certification pursuant to Rule 23 of the FRCP and California Code of Civil Procedure § 382.

20. Moreover, I was granted final approval as class counsel in *Lao v. H & M Hennes & Mauritz, L.P.* (USDC, Northern District of California, Case No. 5:16:cv-333 EJD), *Abarca v. El Estero Car Wash, Inc. et al* (Monterey County Superior Court, Case No. 18CV003398), *Valles v. Community Hospital of the Monterey Peninsula* (Monterey County Superior Court, Case No. 17CV003452), *Hernandez v. Wells Fargo Bank National Ass'n, et al.* (Santa Clara County Superior Court, Case No. 16-CV-299319); *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial Council Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading Company* (Monterey County Superior Court, Case No. 19CV004512); *Truong v. DS Services of America, Inc.* (Solano County Superior Court, Case No. FCS054399).

21. To date, I have incurred approximately 199.2 hours in connection with the litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of work I have done to date on this matter.

22. I also anticipate spending an additional 10 hours handling post-approval matters,

including conferring and reviewing e-mails and other written communications with counsel for Defendant, the Settlement Administrator, and Settlement Class Members regarding post final approval matters, including payments and any potential related issues.

23. The total lodestar for my hours will be approximately **$156,900.00**, based on the above total hours of 209.2 (199.2 hours + 10 anticipated hours) at an hourly rate of $750.00 per hour.

24. My current billing rate is $750.00 per hour. In 2021, I was approved at the hourly rate of $500.00 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* (Monterey County Superior Court Case No. 19CV004512); and *Truong v. DS Services of America, Inc.* (Solano County Superior Court Case No. FCS054399).

25. In 2023, I was approved at the hourly rate of $600.00 in various cases, including without limitation, *Moen v. Genentech, Inc.* (San Diego Superior Court Case No. 37-2021-00008619-CU-OE-CTL); *Murray v. Granite Wellness Centers et al.* (Nevada County Superior Court Case No. CU20-084680); *Norman v. B & H Global Marketing, LLC* (Sacramento County Superior Court Case No. 34-2022-00314707); *Osman-Bravard v. Placer Title Company* (Nevada County Superior Court Case No. CU21-085315); *Cabalo v. Jones Lang LaSalle Americas, Inc.* (San Diego County Superior Court Case No. 37-2020-00044322-CU-OE-CTL); *Apex Systems Wage and Hour Cases* (Orange County Superior Court, JCCP No. 5096); and *Magadia et al v. Walmart Inc. et al* (Santa Clara Couty Superior Court Case No. 16CV303387).

26. In 2025, I was approved at the hourly rate of $650.00 per hour in various cases, including without limitation, *Westmoreland v. Kindercare Education LLC* (N.D. Cal. Case No. 3:23-cv-03168-JD); *Torres v. Fidelity National Management Services, LLC* (Santa Clara County Superior Court Case No. 23CV416377); *Chiesa et al. v. Airgas USA, LLC* (Sacramento County Superior Court Lead Case No. 34-2022-00325292); *Ekeh v. Quality Technology Services, LLC* (Sacramento County Superior Court Case No. 24CV019854); *Nunery et al v. Siemens Mobility Inc. et al* (Sacramento County Superior Court Case No. 34-2019-00271992-CU-OE-GDS); and

Coronado et al v. Coast 2 Coast Coaching, Inc. (San Diego Superior Court Case No. 24CU012969C). In 2026, I increased my hourly rate to $750.00 per hour.

27. My co-counsel and I will adequately represent the Class Members in this action. Plaintiff's counsel has and will zealously represent Plaintiff and the Class Members and pursue this lawsuit to its conclusion.

LITIGATION COSTS

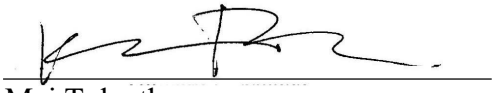
28. My firm has incurred costs in the amount of $5,492.86. The costs are all litigation-related costs, including filing fees, service of process costs, expert fees, and copy costs, among others. Attached hereto as **Exhibit B** is copy of the costs my firm has incurred in connection with prosecution of this lawsuit.

NOTICE TO THE LWDA

29. On October 1, 2026, I caused the Motion and supporting documents to be uploaded to the LWDA's website. Attached hereto as **Exhibit C** is the confirmation of submission.

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

Executed on this 1st day of October 2026, at Los Angeles, California.



Mai Tulyathan

EXHIBIT A

Robles v. Bally Americas Inc.
Mai Tulyathan Time and Task Chart

Hours	Description of Work
6.7	Factual investigation, review of file and client documents, confer with co-counsel and client regarding the case upon assignment to case
3.5	Draft PAGA notice; confer with client re same
5.6	Draft class complaint; further review and revise same
4.3	Draft PAGA complaint; further review and revise same
0.2	Meet and confer with Defendant re: service of process
0.3	Review court's notice of assignment; draft peremptory challenge
0.1	Review minute order and notice of reassignment
0.5	Confer with client re: workers comp claim and impact on case
0.2	Review case management order
0.8	Review and analyze Defendant's Answer
0.2	Draft notice of related case
5.0	Draft and prepare various joint statements; various email and telephonic meet and confers with defense counsel re same; review various court case management orders
2.9	Draft set one of written discovery (class)
0.2	Meet and confer with Defendant re: discovery extension
1.2	Review and analyze Defendant's set one of written discovery
1.0	Confer with client re: Plaintiff's discovery responses and document production
3.8	Draft Plaintiff's responses to set one of written discovery; review and revise same
2.4	Prepare document production in response to RFPs; confer with client re same
0.1	Meet and confer with Defendant re: discovery extension
2.7	Draft set one of written discovery (PAGA)
1.0	Prepare for and attend December 16, 2024 CMC

0.6	Further review and revise Plaintiff's discovery responses to set one
1.0	Review notice of deposition of Plaintiff; draft objections to deposition notice
0.2	Meet and confer with Defendant re: Plaintiff's deposition
6.8	Review and analyze Defendant's objections and responses to set one of discovery (class); review document production
1.8	Review and analyze Defendant's meet and confer correspondence re: Plaintiff's discovery responses; confer with client re same
4.9	Review and analyze Defendant's objections and responses to set one of discovery (PAGA); review document production
2.5	Draft meet and confer correspondence to Defendant re: Defendant's deficient discovery responses (class)
0.5	Draft response to Defendant's meet and confer correspondence re: Plaintiff's discovery responses
0.8	Review and analyze Defendant's further meet and confer correspondence re: Plaintiff's discovery responses
4.0	Draft Plaintiff's supplemental responses to set one of Defendant's written discovery; confer with client re same
1.2	Prepare and review Plaintiff's supplemental document production
1.8	Further meet and confer correspondence with Defendant re: discovery and motions to compel
1.5	Draft meet and confer correspondence to Defendant re: Defendant's deficient discovery responses (PAGA)
0.3	Meet and confer with Defendant re: settlement and mediation
3.8	Review and analyze Defendant's supplemental discovery responses (class)
0.5	Further discovery meet and confer correspondences with Defendant re: supplemental responses
0.3	Meet and confer with Defendant re: consolidation of class and PAGA cases
3.0	Review and analyze Defendant's supplemental discovery responses (PAGA)
1.0	Prepare for and attend April 16, 2025 CMC
2.5	Draft informal data request for settlement discussions
0.2	Meet and confer correspondence with Defendant re: motions to compel in class and PAGA

1.5	Draft stipulation to consolidate class and PAGA case; further review and revise same
2.5	Draft Belaire notice and stipulation; further review and revise same
0.3	Correspondence with Defendant re: Belaire notice and consolidation
2.5	Draft notice of deposition of Defendant's PMK
0.8	Review and analyze Defendant's objections to PMK depo notice
6.2	Review and analyze Defendant's responses to informal data request and documents; prepare exposure analysis
3.5	Multiple correspondences with Defendant re: settlement discussions; confer with client re: same
0.2	Further meet and confer re: discovery
0.5	Telephonic meet and confer with Defendant re: settlement discussions
0.3	Draft joint notice of settlement; meet and confer with Defendant re same
0.2	Meet and confer with Defendant re: settlement logistics
7.9	Draft Memorandum of Understanding (MOU)
1.7	Review and analyze Defendant's changes to MOU; further review and revise MOU; confer with client re same
0.3	Telephonic meet and confer with Defendant re: MOU
0.5	Further revise and finalize MOU
0.2	Review order granting stipulation to consolidate
3.0	Draft First Amended Consolidated Complaint; confer with Defendant re filing of same
0.1	Meet and confer re: stay on discovery pending settlement
16.4	Draft long-form settlement agreement; further review and revise same
0.6	Confer with settlement administrators regarding administration and admin expenses; review bids; confer with Defendant re: admin bids
3.8	Draft class notice; further review and revise same
14.2	Draft MPA and supporting docs; confer with Defendant re same; further review and revise motion

1.2	Review and analyze court's tentative ruling on MPA; meet and confer with Defendant re: issues identified and amendment to settlement
2.0	Review and analyze Defendant's supplemental brief
6.7	Draft amendment to settlement agreement; revise class notice to address issues and add forms; further confer with Defendant re same
4.9	Draft supplemental brief in support of preliminary approval motion; confer with client re same
0.6	Review and analyze court's second tentative ruling on MPA; meet and confer with Defendant re: issues identified
1.5	Review and analyze time and pay excel data from Defendant; further meet and confer with Defendant re: data
6.4	Confer with expert re: time and pay excel data and analysis required; review expert analysis; telephonic discussion with expert re: analysis
1.5	Draft second supplemental brief; confer with Defendant re same
0.6	Review and analyze court's third tentative ruling on MPA; confer with Defendant re same; draft amended proposed order
0.5	Multiple meet and confer correspondence with Defendant re: class data delay and response deadline for admin process
1.5	Confer with settlement administrator regarding administration timeline and dissemination of class notice; analyze and review weekly reports from admin re: mailing and opt outs
0.2	Confer with client re: settlement admin process
2.4	Review and revise motion to enforce settlement agreement and supporting docs
0.3	Review Defendant's correspondence and meet and confer with Defendant re: payroll data
0.1	Prepare notice of withdrawal of motion to enforce
3.8	Review correspondence from settlement admin re: escalator clause; review calculations; review class notice
2.0	Review and revise settlement administrator declaration re: dissemination of notice and mailing
13.9	Draft MFA and supporting docs; confer with Defendant re same
199.2	**TOTAL HOURS**

EXHIBIT B

DIVERSITY LAW GROUP

INVOICE

Diversity Law Group

515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
lwlee@diversitylaw.com

Invoice #	10568
Invoice Date	09/24/2026
Terms	Upon Receipt
Due Date	09/24/2026
PO #	

Summary- Robles, Oscar v. Bally Americas Inc. - CA (18110.001)

Type	Description	Amount
Fees & Other Charges		0.00
Billed Time		0.00
Expenses		5,492.86

Subtotal:	$5,492.86
Discount:	$0.00
Subtotal after Discount:	$5,492.86
Taxable Subtotal:	$5,492.86
Tax:	$0.00
Total:	$5,492.86

Details - Robles, Oscar v. Bally Americas Inc. - CA (18110.001)

Expenses

Date	Category	Expense Code	Description	Amount ($)
07/26/2024		Court fees	LWDALWDA	75.00
07/31/2024		Photocopies	PhotocopiesPhotocopies	0.50
07/31/2024		Postage	PostagePostage	8.69
08/12/2024		Court fees	OneLegal - ComplaintOneLegal - Complaint	1,495.04
08/23/2024		Court fees	OneLegal - 170.6OneLegal - 170.6	17.71
08/23/2024		Attorney Service	Attorney Service - Complaint Service	102.61
08/26/2024		Court fees	OneLegal - 170.6OneLegal - 170.6	17.71
08/26/2024		Court fees	OneLegal - POS of SummonsOneLegal - POS of Summons	17.71
08/29/2024		Court fees	OneLegal - Civil Case Cover Sheet	17.71
08/29/2024		Court fees	OneLegal - POS of SummonsOneLegal - POS of Summons	17.71
08/29/2024		Court fees	OneLegal - Civil Case Cover Sheet	17.71
08/31/2024		Photocopies	PhotocopiesPhotocopies	2.00
08/31/2024		Postage	PostagePostage	0.97
09/04/2024		Court fees	OneLegal - Civil Case Cover Sheet	17.71
09/16/2024		Court fees	OneLegal - Notice of Minute Order	17.76
09/18/2024		Attorney Service	Attorney Service - Complaint Service	112.36

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Invoice #	10568
Invoice Date	09/24/2026
Terms	Upon Receipt
Due Date	09/24/2026
PO #	

Date	Category	Expense Code	Description	Amount ($)
09/30/2024		Photocopies	PhotocopiesPhotocopies	1.75
09/30/2024		Postage	PostagePostage	0.97
10/02/2024		Court fees	OneLegal - POS of SummonsOneLegal - POS of Summons	17.76
10/14/2024		Court fees	OneLegal - ComplaintOneLegal - Complaint	467.93
10/18/2024		Court fees	OneLegal - Notice of Related Case	20.86
10/18/2024		Court fees	OneLegal - Notice of Related Case	17.76
11/08/2024		Court fees	OneLegal - Notice of Minute Order	1,055.42
12/09/2024		Court fees	OneLegal - CMSOneLegal - CMS	19.57
12/09/2024		Court fees	OneLegal - CMSOneLegal - CMS	19.57
12/18/2024		Court fees	OneLegal - Notice of CMCOneLegal - Notice of CMC	21.89
12/18/2024		Court fees	OneLegal - Notice of HearingOneLegal - Notice of Hearing	20.86
02/10/2025	Court Fees		ACE E Filing - Request for Dismissal (Filing ID 11612139)	14.07
04/09/2025	Court Fees		OneLegal - CMS (06991591)	29.12
04/09/2025	Court Fees		OneLegal - CMS (06991617)	28.08
07/09/2025	Court Fees		OneLegal - CMS (07294422)	21.63
07/09/2025	Court Fees		OneLegal - CMS (07294436)	21.63
07/24/2025	Court Fees		OneLegal - Notice of Settlement (07347463)	26.02
07/24/2025	Court Fees		OneLegal - Notice of Settlement (07347600)	26.02
08/28/2025	Court Fees		OneLegal - CMS (07471831)	22.92
08/28/2025	Court Fees		OneLegal - CMS (07471835)	22.92
09/24/2025	Court Fees		OneLegal - Stip (07562562)	46.67
10/06/2025	Court Fees		Online OC Order	7.50
10/08/2025	Court Fees		OneLegal - NOE & FAC (07605488)	22.92
10/29/2025	Court Fees		OneLegal - Stip (07684232)	23.95
11/21/2025	Court Fees		Online Order	7.50
12/02/2025	Court Fees		OneLegal - CMS (07792203)	22.66
12/11/2025	Court Fees		OneLegal - MPA (07826262)	87.97
02/25/2026	Court Fees		OneLegal - Supp Brief re MPA (08080874)	25.05
04/28/2026	Court Fees		OneLegal - Declaration (08320066)	26.08
05/08/2026	Court Fees		OneLegal - Amended Prop Order (08362535)	26.08
05/14/2026	Expert Fees		JTC Corporation	632.50
05/14/2026	Court Fees		OneLegal - NOE (08384560)	26.08

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Invoice #	10568
Invoice Date	09/24/2026
Terms	Upon Receipt
Due Date	09/24/2026
PO #	

Date	Category	Expense Code	Description	Amount ($)
05/31/2026	Postage and delivery		Postage	0.74
07/13/2026	Legal Research		Eve - Legal Research	350.00
07/20/2026	Court Fees		OneLegal - Motion (08614365)	94.39
08/07/2026	Court Fees		OneLegal - Notice of Withdrawal of Motion to Enforce (08688627)	27.12
09/24/2026	Court Fees		WIP - Post Approval costs	250.00
			Subtotal:	$5,492.86
			Total:	$5,492.86

EXHIBIT C