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Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

KALU EKEH, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

QUALITY TECHNOLOGY SERVICES,
LLC, a Delaware limited liability
company; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 24CV019854

(Assigned to the Hon. Jill H. Talley, Dept. 8A)

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

Date: June 26, 2026

Time: 9:00 a.m.

Dept.: 8A

Action Filed: September 30, 2024

Trial Date: None Set

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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 Kalu ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to testify and would do so competently.

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

3. The Joint Stipulation of Class Action Settlement and Release and the Amendment Stipulation of Class Action Settlement and Release (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 legal research which they had carefully analyzed. Class Counsel engaged in extensive factual investigation before settling, including exchanging information discovery, reviewing class and PAGA data, and reviewing Defendant’s pertinent policies and practices relevant to valuing this case. This allowed Plaintiff to conduct a full damage analysis. The Parties also engaged in arm’s-length negotiations at length with the Hon. Peter H. Kirwan (Ret.), which resulted in this settlement.

4. The settlement in the case at bar warrants approval and carries a presumption of

5. As previously noted in the application for Preliminary Approval, this current settlement

6. negotiated at arm's length. I support the settlement as fair, reasonable, and adequate, and in

7. the best interest of the Settlement Class Members as a whole.

5. The Court preliminarily approved this settlement on January 23, 2026, directing the preparation of the Class Notice and scheduling the hearing for final approval of the settlement (the “Preliminary Approval Order”).

6. After the Settlement Administrator received the Class List from Defendants, the were informed of the increase in the number of actual workweeks worked from the ed 4,054 workweeks to 4,767 workweeks, which triggered the Settlement Agreement's or Clause. The Settlement Class is defined as: "all non-exempt employees in California

1 at any time between September 30, 2020 and March 24, 2025,” with the end date extended
2 through the January 23, 2026 Preliminary Approval date pursuant to the Escalator Clause,
3 Paragraph 3.3 of the Settlement Agreement.

4 7. Specifically, the Settlement Administrator calculated a \$37,740.50 increase in the
5 Gross Settlement Amount as a result of the Escalator Clause. Taking this into account, this
6 brings the Gross Settlement Amount to \$337,740.50.

7 8. Plaintiff’s Counsel seeks an award of attorneys’ fees of thirty-five percent (35%)
8 of the Gross Settlement Amount. Pursuant to the Settlement Agreement’s Escalator Clause, the
9 Settlement Administrator calculated a \$37,740.50 increase in the Gross Settlement Amount over
10 the initial \$300,000.00 amount. As such, Plaintiff’s Counsel seeks an award of thirty-five
11 percent (35%) of the revised Gross Settlement Amount of \$337,740.50, or \$118,209.18 in
12 attorneys’ fees.

13 9. The Settlement Administrator made slight modifications to the Class Notice to
14 reflect the revised Gross Settlement Amount, which includes revising the initial \$300,000.00
15 amount to reflect the revised Gross Settlement Amount of \$337,740.50, and the attorneys’ fees
16 from \$105,000.00 to an amount not to exceed \$118,209.18, to reflect 35% of the revised Gross
17 Settlement Amount.

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

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

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

27 13. Any remaining monies from uncashed settlement checks will be distributed to the
28 *cy pres* recipient Legal Aid At Work. I do not have any relationship with Legal Aid At Work

1 that would create an actual or potential conflict of interest. The Parties further agree that
2 proposed *cy pres* recipient satisfies the legislative intent set out in Code of Civil Procedure §
3 384(a), in that the organization helps further the purposes of the underlying action and promote
4 justice for all Californians.

5 **ATTORNEY EXPERIENCE**

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

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

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

27 17. In 2018, I argued before the California Court of Appeal, Second Appellate
28 District, in the case of *Lee v. California Commerce Club, Inc.* (California Court of Appeal Case

1 Number B276171, LASC Case Number BC596924), and *Perez v. Standard Drywall, Inc.*
2 (California Court of Appeal Case Number A146819, Alameda Sup. Ct. No. RG15761142). In
3 that same year, I also assisted the firm in successfully obtaining class certification and partial
4 summary judgment by the United States District Court, Central District of California in the case
5 of *Magadia v. Wal-Mart Associates, Inc.* (Case Number 17-CV-00062-LHK). I third chaired the
6 bench trial in that same case in December 2018.

7 18. I have also been certified and/or approved as class counsel in numerous other
8 wage/hour class actions. Most recently, I was certified as class counsel in the cases *Martinho v.*
9 *Amazon.com, Inc., et al.* (N.D. Cal., Case Number 4:22-cv-06849-YGR), *Garcia v. Wal-Mart*
10 *Associates, Inc., et al.* (S.D. Cal., Case Number 3:18-cv-00500-L-MDD), *Richert v. Samaritan,*
11 *LLC, et al.* (Santa Clara County Superior Court, Case Number 17CV314186), *Song v. THC –*
12 *Orange County, Inc.* (C.D. Cal., Case No. 8-17-cv-965-JLS (DFM)), *Hernandez v. Wells Fargo*
13 *Bank National Ass’n, et al* (Santa Clara County Superior Court, Case No. 16-CV-299319),
14 and *Sims v. QG Printing II, LLC, et al.* (C.D. Cal., Case No. ED CV 20-1632-DMG (KKx)), as
15 part of the courts’ orders granting class certification pursuant to Fed. R. Civ. P. 23 and California
16 Code of Civil Procedure § 382.

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

25 20. To date, I have incurred approximately 145.8 hours in connection with the
26 litigation of this lawsuit. Attached hereto as **Exhibit A** is a chart summarizing the amount of
27 work I have incurred to date on this matter.

28 21. I also anticipate spending an additional 15 hours handling post-approval matters,

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

4 22. The total lodestar for my hours will be approximately **\$104,520.00**, based on the
5 above total hours of 160.8 (145.8 hours + 15 anticipated hours) at an hourly rate of \$650.00 per
6 hour.

7 23. My current billing rate is \$650.00 per hour. In 2019 and 2020, I was approved at
8 an hourly rate of \$450.00 per hour by various courts in a number of matters, including but not
9 limited to, *Lao v. H & M Hennes & Mauritz, L.P.* (N.D. Cal., Case No. 5:16:cv-333
10 EJD), *Hernandez v. Wells Fargo Bank National Ass'n, et al* (C.D. Cal., Case No. 16-CV-
11 299319), and *Abarca v. El Estero Car Wash, Inc. et al* (Monterey County Superior Court Case
12 No. 18CV003398). In 2021, I was approved at the hourly rate of \$500.00 in various cases,
13 including *Baker v. California Forensic Medical Group, Inc., et al.*, Judicial Council
14 Coordination Proceeding No. 4999 (Lead Case No. 17CV003723); *Mendez v. Falcon Trading*
15 *Company* (Monterey County Superior Court Case No. 19CV004512); and *Truong v. DS Services*
16 *of America, Inc.* (Solano County Superior Court Case No. FCS054399).

17 24. In 2023, I was approved at the hourly rate of \$600.00 in *Moen v. Genentech,*
18 *Inc.* (San Diego Superior Court Case No. 37-2021-00008619-CU-OE-CTL) *Murray v. Granite*
19 *Wellness Centers et al.* (Nevada County Superior Court Case No. CU20-084680), *Norman v. B*
20 *& H Global Marketing, LLC* (Sacramento County Superior Court Case No. 34-2022-
21 00314707), *Osman-Bravard v. Placer Title Company* (Nevada County Superior Court Case No.
22 CU21-085315), *Cabalo v. Jones Lang LaSalle Americas, Inc.* (San Diego County Superior Court
23 Case No. 37-2020-00044322-CU-OE-CTL), and *Apex Systems Wage and Hour Cases* (Orange
24 County Superior Court, JCCP No. 5096).

25 25. In 2025, I increased my hourly rate to \$650.00 per hour. I have been approved at
26 this rate in *Westmoreland v. Kindercare Education LLC* (N.D. Cal. Case No. 3:23-cv-03168-JD),
27 *Torres v. Fidelity National Management Services, LLC* (Santa Clara County Superior Court Case
28 No. 23CV416377), *Chiesa et al. v. Airgas USA, LLC* (Sacramento County Superior Court Lead

Case No. 34-2022-00325292).

26. 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

27. To date, my office has incurred \$9,778.60 in costs in connection with the litigation and prosecution of the Action. The costs are all litigation related costs, including filing and service fees, mediation costs, travel and lodging expenses incurred in connection with attending the in-person mediation in Santa Clara, California, postage and mailing fees, and other litigation costs. Attached hereto as **Exhibit B** is a true and correct copy of the cost report. The cost report includes \$500.00 in anticipated costs for any court fees, filing fees, and service fees post-approval process.

NOTICE TO THE LWDA

28. Concurrently with the filing of the Motion for Final Approval of Class Action Settlement, my office uploaded the Motion to the LWDA's website. Attached hereto as **Exhibit C** is the confirmation of submission.

CHECKLIST

29. I have reviewed the "Checklist for Approval of Class Action and/or Private Attorneys General Act ("PAGA") Settlements" and believe that the briefing submitted herewith complies with the Court's Checklist.

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

Executed on this 3rd day of June 2026, at Los Angeles, California.

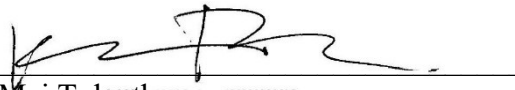

Mai Tulyathan

EXHIBIT A

Ekeh v. Quality Technology Services, LLC
Mai Tulyathan Time and Task Chart

Hours	Description of Work
6.7	Factual investigation, review of file and client documents, review PAGA letter, confer with co-counsel and client regarding the case upon assignment to case.
6.6	Draft class complaint; further review and revise complaint
0.2	Review notices of assignment and CMC
4.0	Draft First Amended Complaint with PAGA; review and revise same
1.2	Meet and confer with Defendant's counsel regarding the filing of the First Amended Complaint; draft stipulation re same
0.1	Review court's order on FAC
0.7	Review Defendant's Answer
1.5	Meet and confer with Defendant regarding mediation and stay; discussions re selection of mediator and dates
0.8	Review and revise joint stipulation to continue CMC and stay discovery pending mediation; further meet and confer re same
4.5	Draft data request for mediation; further meet and confer with Defendant and co-counsel re data production
9.0	Review mediation production from Defendant; conduct exposure analysis
13.0	Draft mediation brief; further review and revise same
15.5	Travel to and attend in-person mediation (Santa Clara)
6.3	Review and revise MOU; confer with co-counsel and Defendant's counsel re terms; multiple rounds of revisions
18.0	Draft, review and revise long-form settlement agreement; confer with opposing counsel regarding terms; confer with client regarding same; multiple rounds of revisions
1.0	Confer with settlement administrator regarding administration and admin expenses
4.8	Draft, review and revise class notice to be sent to class members; confer with opposing counsel regarding same; multiple rounds of revisions
3.9	Draft Second Amended Complaint; confer with Defendant's counsel regarding same

1.8	Draft stipulation for leave to file Second Amended Complaint; further review and revise same
15.7	Draft motion for preliminary approval of settlement, proposed order, and supporting documents; further revise same; review Sacramento settlement checklist
0.5	Review court's ruling re: filing of preliminary approval motion; confer with co-counsel and Defendant's counsel re same
1.3	Draft Amendment to Joint Stipulation; confer with Defendant's counsel regarding same
0.8	Draft supplemental declaration in support of preliminary approval motion
0.6	Review court's ruling granting preliminary approval; confer with settlement administrator
2.5	Confer with the settlement administrator and Defendant's counsel regarding workweeks and escalator clause; review admin's preliminary calculations and revised class notice
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
5.7	Meet and confer with opposing counsel for case management conferences; draft, review and revise various CMC statements
3.0	Review and revise settlement administrator declaration re: dissemination of notice and mailing
14.6	Draft motion for final approval of settlement, proposed order, and supporting documents; further revise same; confer with Defendant's counsel re same; review Sacramento settlement checklist
145.8	TOTAL HOURS

EXHIBIT B



Invoice

Diversity Law Group

515 South Figueroa Street, Suite 1250, Los Angeles, California, 90071

lwlee@diversitylaw.com

Invoice #: 10484

Invoice Date: 06/03/2026

Terms: Upon Receipt

Due Date: 06/03/2026

PO #:

Invoice Total: \$9,778.60

Payment Applied: \$0.00

Total Due: \$9,778.60

Summary - Ekeh, Kalu v. Quality Technology Services, LLC - CA (5027.001)

Type	Description	Amount (\$)
Expenses		9778.60

Subtotal: \$9,778.60

Discount: \$0.00

Subtotal
after
Discount:

Taxable
Subtotal: \$9,778.60

Tax: \$0.00

Total: \$9,778.60

Details - Ekeh, Kalu v. Quality Technology Services, LLC - CA (5027.001)

Expenses

Date	Category	Expense Code	Description	Amount (\$)
09/16/2024		Court fees	LWDALWDA	75.00
09/30/2024		Court fees	ACE E Filing - ComplaintACE E	1492.30



Invoice

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			Filing - Complaint	
09/30/2024		Photocopies	PhotocopiesPhotocopies	0.25
09/30/2024		Postage	PostagePostage	9.64
10/07/2024		Attorney Service	Attorney Service - Complaint Service	81.74
10/09/2024		Court fees	ACE E Filing - Notice of Complex &	14.25
10/18/2024		Court fees	ACE E Filing - POS of Summons	14.25
10/31/2024		Photocopies	PhotocopiesPhotocopies	2.00
10/31/2024		Postage	PostagePostage	0.97
12/04/2024		Court fees	ACE E Filing - Notice of CMCACE E Filing - Notice of CMC	14.25
12/31/2024	Photocopies		Photocopies	3.25
12/31/2024	Postage and delivery		Postage	1.25
01/24/2025	Court Fees		ACE E Filing - FAC	15.25
05/14/2025	E121 Arbitrators/mediators		Signature Resolution Mediation	6750.00
05/31/2025	Postage and delivery		Postage	0.69
06/03/2025	Travel Expenses		Southwest Flight	493.96
06/12/2025	Travel Expenses		Bob Hope Airport	40.00
06/12/2025	Travel Expenses		Travel	26.39
06/13/2025	Travel Expenses		Uber	31.83
06/13/2025	Travel Expenses		Uber	22.18
08/28/2025	Court Fees		ACE EFiling - Joint CMS (Filing ID 12781519)	15.25
09/04/2025	Court Fees		ACE E Filing - Joint Stip for Leave to file SAC (Filing ID 12821207)	35.85
09/11/2025	Court Fees		ACE EFiling - SAC (Filing ID	15.25



Invoice

Diversity Law Group

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lwlee@diversitylaw.com

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PO #:

Invoice Total: \$9,778.60

Payment Applied: \$0.00

Total Due: \$9,778.60

			12861398)	
10/22/2025	Court Fees		WIP - Anticipated costs for approval/post-approval	500.00
10/22/2025	Court Fees		ACE EFiling - MPA (Filing ID: 13124579 Envelope No: 25SC00317985)	77.05
10/30/2025	Court Fees		ACE EFiling - Joint CMS (Filing ID: 13178244 Envelope No: 25SC00323218)	15.25
12/09/2025	Court Fees		ACE EFiling - Supp Decl of KT iso MPA (Filing ID: 13415616 Envelope No: 25SC00346801)	15.25
01/08/2026	Court Fees		ACE EFiling - Joint CMS (Filing ID: 13587357 Envelope No: 26SC00363996)	15.25
Subtotal:				\$9,778.60
Total:				\$9,778.60

EXHIBIT C