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Attorneys for Plaintiff Gail Wilkerson, on behalf of herself, and all other similarly-situated employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

GAIL WILKERSON, on behalf of herself
and all other similarly-situated employees,

Plaintiff,

v.

INTUIT, INC., a Delaware Corporation; and
DOES 1 through 100, Inclusive,

Defendants.

Case No. 37-2020-00030371-CU-OE-CTL
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Gregory W. Pollack
Department C-71

CLASS ACTION

**DECLARATION OF EMIL DAVTYAN IN
SUPPORT OF MOTION FOR ORDER
GRANTING FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT AND
ENTERING JUDGMENT**

Hearing Set By Court Order ROA # 59

Date: February 3, 2023

Time: 9:30 a.m.

Dept: C-71

Judge: Honorable Gregory W. Pollack

[IMAGED FILE]

Complaint filed: August 28, 2020

Trial date: Not set

1 I, Emil Davtyan, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California and am a
3 member in good standing with the State Bar of California. I am co-counsel in the class action
4 with named Plaintiff Gail Wilkerson and have personal knowledge of the facts thereto. If called
5 as a witness, I could and would competently testify herein.

6 2. I graduated from the Woodbury University in 2008 with a bachelor's degree in
7 Business Finance with highest honors, as the top student in my class. I graduated from
8 Southwestern Law School in 2014 in the top 10% of my class. I am currently the managing
9 attorney in Davtyan Law Firm in Glendale, California.

10 3. My legal experience since becoming a member of the California State Bar has
11 been exclusively devoted to the practice of California and federal employment law. My office
12 almost exclusively represents plaintiffs in wage and hour actions with the same or similar
13 causes of actions brought forth in the matter pending before this Court.

14 4. I have been actively participating in the prosecution and successful settlement of
15 multiple wage and hour class action lawsuits, helping to recover wages and penalties on behalf
16 of tens of thousands of class members. My office has been appointed as Class/PAGA Counsel
17 in numerous class/PAGA actions, including De La Rosa v. The Coca Cola Company et al.
18 (Superior Court of California in Napa, 17CV000787), Harvey v. Bed Bath & Beyond of
19 California Limited Liability Company (Superior Court of California in Alameda, RG17885153),
20 Paredes v. Bottling Group LLC et. al. (Superior Court of California in Kern), Ramirez v. Harris
21 Ranch Beef Company (Superior Court of California in Fresno, 16CECG04103), Gates v. Gate
22 Gourmet, Inc. et. al. (Southern District of California, 16-cv-01084-L-AGS), Hargrave v.
23 Antelope Valley Hospital (Superior Court of California in Los Angeles, BC663252), Ramirez v.
24 Milton Roy et. al. (Superior Court of California in Los Angeles, BC 632 276), Hawkins v.
25 AvalonBay Communities (Superior Court of California in Santa Clara, 17CV316492), Jones
26 Tharpe et al. v. Sprint Corporation et al. (Superior Court of California in Los Angeles,
27 BC644645), Ortega et al. v. Nestle Waters North America, Inc. et al. (Superior Court of
28 California in Los Angeles, BC623610), Schultz v. Jimbo's Natural Family, Inc. (Superior Court

1 of California in San Diego, 37-2017-00022348-CUE-OE-CTL), Ambrose v. Victor Valley
2 Global et al. (Superior Court of California in San Bernardino, CIVDS1709289), Puerta-
3 Gildardo v. Real Time Staffing Services LLC et. al. (Superior Court of California in Los
4 Angeles, BC565445), Vargo v. Pregis Innovative Packaging LLC (Superior Court of California
5 in Tulare, 270836), Conlin v. Aegis Senior Communities LLC (Northern District of California,
6 17-cv-05534-LHK), Galarza v. Kloeckner Metals Corporation (Central District of California,
7 2:17-cv-04910-FMO), Estes v. L3 Technologies, Inc. et al. (Southern District of California,
8 3:17-cv-02356-H-JMA), Rowser v. Trunk Club, Inc. (Central District of California, 2:17-cv-
9 05064-DSF-RAO), Leach v. The Claremont Colleges, Inc. (Superior Court of California in Los
10 Angeles, BC686451), Vaesau v. PCT Enterprises, Inc. dba Precision Cabinets (Superior Court
11 of California, County of Contra Costa MSC18-02404), Terry v. TF Louderback, Inc. dba Bay
12 Area Beverage Company (Superior Court of the State of California, County of Contra Costa,
13 MSC18-00859), Roach v. Westcare California, Inc. (Superior Court of California in Kern
14 County, BCV-17-102367-SDS), Patton v. Church & Dwight Co., Inc. (Central District of
15 California, EDCV 18-903-MWF (KKx)), Juarez v. ISL Employees, Inc. (Superior Court of
16 California in Madera, MCV074787), Ferraro v. USC Verdugo Hill s Hospital, et al. (Superior
17 Court of California in Los Angeles, 18STCV09463), Ford v. Account Control Technology, Inc.,
18 et al. (Superior Court of California in Los Angeles, 19STCV09369), Ornelas v. iStorage, et al.
19 (Superior Court of California in San Francisco, CGC-18-571421), Martinez v. Ronpak, Inc.
20 (Superior Court of California in Riverside, RIC1901307), Barrera et al. v. Exclusive Wireless,
21 Inc. (Superior Court of California in Stanislaus, 9000687), Barajas v. Mancha Development
22 Company LLC (Superior Court of California in Orange County, 30-2018-00974707-CU-OE-
23 CXC), Prado v. IMAX Corporation dba IMAC Worldwide Home (Superior Court of California
24 in San Bernardino, CIVDS1820265), Rodriguez v. ND Industries, Inc. (Superior Court of
25 California in Los Angeles, 19STCV38096), Singletary v. Motel 6 Operating LP, et al. (Southern
26 District of California, 3:20-cv-0270-LAB-AHG), Quizon v. CF Watsonville East, LLC, et al.
27 (Superior Court of California in Santa Cruz, 20CV01868), Stephenson v. Bakersfield Dodge,
28 Inc. (Superior Court of California in Kern, BCV-20-102693), Bacerra v. Hugo Boss Retail, Inc.

(Superior Court of California in San Diego, 37-2021-00002933-CU-OE-CTL), Walker v. Ariat International, Inc. (Superior Court of California in Alameda, HG19026439), Orr v. Petvet Care Centers (California) Inc. (Superior Court of California in Santa Clara, 19CV354063), Jimenez v. OEC Distribution Services, Inc. (Superior Court of California in San Bernardino, CIVDS1915743), Viridi v. Absolute Security International (Superior Court of California in San Bernardino, CIVDS 1909589), Raj v. First Transit, Inc (Superior Court of California in Sacramento, 34-2021-00295895-CU-OE-GDS), Marchbanks v. Torrid Administration, Inc. (Superior Court of California in San Diego, 37-2020-00008179-CU-OE-NC), among others.

5. In addition, my office has been counsel of record in a number of pending wage and hour class/PAGA action lawsuits, including Trevino v. Golden State FC LLC et al. (Eastern District of California, 1:18-cv-00120-DAD (BAM)), Moriana v. Viking River Cruises (Superior Court of California in Los Angeles, BC 687325), Garcia v. Statewide Traffic Safety and Signs, Inc. (Superior Court of California in Orange County, 30-2018-01011814-CU-OE-CXC), Arellano v. Lopez & Arteaga, Inc. et al. (Superior Court of California in Santa Clara, 17CV313029), Cummings v. Eureka Restaurant Group LLC (Superior Court of California in Santa Barbara, 18CV000849), Cruz v. Talentscale LLC (Superior Court of California in Riverside County, RIC1821842), Tolbert v. Northbay Healthcare Corporation (Superior Court of California in Solano County, FCS051565), Cruz v. Dignity Health dba Bruceville Terrace (Superior Court of California in Sacramento County, 34-2018-00245506), Limon v. Circle K Stores, Inc. (Eastern District of California, 18-cv-01689-LJO-SKO), Parra, et al. vs. Trinity Services Group, Inc. (Superior Court of California in Kern, JCCP5155), Hernandez v. Clark Pacific (Superior Court of California in Yolo, CV-2019-644), Gomez v. The Regents of the University of California et al. (Superior Court of California in San Diego, 37-2019-00030873-CU-OE-CTL), Larson v. Mark Twain Medical Center (Superior Court of California in Calaveras, 19CV44062) Girard v. Office Depot Inc., (Superior Court of California in Santa Clara, 19CV351584), Johnson v. Bakersfield Memorial Hospital, et al. (Superior Court of California in Kern BCV-19-102016), Higginbotham et al. v. South East Employee Leasing Services (Eastern District of California, 2:20-CV-00575-KJM-DB) Bailon v. LAFC Sports LLC

(Superior Court of California in Los Angeles, 19STCV29518), Hutchinson v. G6 Hospitality LLC dba Motel 6 (Southern District of California, 3:20-cv-00270-LAB-AHG), Powell v. St. Joseph Medical Center (Superior Court of California in San Joaquin, STK-CV-UOE-2019-0011155), Jones v. Summit Therapeutics Services Inc. (Superior Court of California in Santa Clara, 19CV353991), Barksdale v. UC Davis Medical Center (Superior Court of California in Sacramento, 00269829), Springstead v. Recovery Innovations Inc., et al. (Superior Court of California in San Diego, 37-2020-00001555-CU-OE-CTL), Oceana v. Tri-City Medical Center (Superior Court of California in San Diego, 37-2019-65323-CU-OE-CTL), Maldonado v. Sit 'N Sleep, Inc. (Superior Court of California in Los Angeles, 19STCV41237), Taylor v. Populus Group, LLC (Southern District of California, 3:20-cv-00473-BAS-BLM), Lim v. Seafood City, et al. (Superior Court of California in Alameda, RG20066777), Harisis v. Starbucks Corporation (Superior Court of California in Los Angeles, 20STCV11290), Battle v. Safran Cabin (Superior Court of California in Orange, 30-2020-01140831-CU-OE-CXC), Smith v. Noia Residential Services, Inc. (Superior Court of California in Fresno, 20CECG01820), Diaz v. Recon 360, LLC (Superior Court of California in Santa Clara, 20CV370603), Rivas v. 8x8, Inc. (Superior Court of California in Santa Clara, 20cv374192), Compton v. Broadbase, Inc. (Superior Court of California in Sacramento, 34-2020-00285501-CU-OE-GDS), Marden v. CVS Pharmacy, Inc., et al. (Superior Court of California in Placer, S-CV-0045902), Godwin v. St. Mary Medical Center Foundation, et al. (Superior Court of California in Los Angeles, 20STCV45671), Tabera v. St. Elizabeth Community Hospital, et al. (Superior Court of California in San Francisco, CGC-21-589691), Morgan v. Candid Care Co. (Superior Court of California in San Francisco, 3:21-cv-01748-JSC), Richardson v. Pegasus Aviation Services, LLC (Superior Court of California in San Mateo, 21-CIV-00292), Newsome v. Graybar Electric Company, Inc. (Northern District of California, 4:21cv1000), Terronez v. ST. JOHN'S Regional Medical Center, et. al. (Superior Court of California in Ventura, 56-2021-00551166-CU-OE-VTA), Butler v. PowerSchool Group, LLC (Superior Court of California in Sacramento, 34-2021-00303458), Dale v. PCC Structural Inc., et. al. (Superior Court of California in Alameda, RG21102183), Horowitz v. Sky West Airlines (Northern District of

1 California, 3:21-cv-04674-MMC), Castillo v. Harmony Foods, LLC et. al. (Superior Court of
2 California in Santa Cruz, 21CV00961), Wightman v. Cobham Advanced Electronic Solutions,
3 Inc. (Superior Court of California in San Diego, 37-2021-00038124-CU-OE-CTL), Martin v.
4 Air International US Inc. (Superior Court of California in Alameda, RG21098764), Ziperman v.
5 Parkway Motorcars Valencia Inc., et. al. (Superior Court of California in Los Angeles,
6 21STCV31959), Amiri v. Grewal Foods OC Sub, Inc. dba Subway (Superior Court of
7 California in Los Angeles, 21STCV20426), Valenzuela v. Network Medical Management, Inc.
8 (Superior Court of California in Los Angeles, 21STCV39548), Miles v. Chico Produce Inc.
9 (Superior Court of California in Sacramento, 00301881), Hoelzel v. Starbucks (Superior Court
10 of California in Los Angeles, 21STCV37838), Randle- Tatum v. Hopdoddy Burger Bar, Inc.
11 (Superior Court of California in Los Angeles, 21STCV21015), Magallan v. SW Ingredients
12 Holdings, LLC et. al. (Superior Court of California in Fresno, 21CECG01943), Turner v.
13 Smithfield Distribution, LLC (Superior Court of California in Los Angeles, 21STCV23414),
14 Balabanoff v. Classic Vacations, LLC, et. al. (Superior Court of California in Santa Clara,
15 21CV392334), Martin v. American Custom Private Security Inc. (Superior Court of California
16 in San Joaquin, STK-CV-UOE-2021-8213), Brito v. Brothers International Desserts Inc. et. al.
17 (Superior Court of California in Orange, 30-2022-01242515-CU-OE-CXC), Chavis v. Grocery
18 Outlet, Inc. (Superior Court of California in Sacramento, 34-2021-00309003-CU-OE-GDS),
19 Randall v. YRC Inc., et. al. (Superior Court of California in San Bernardino, CIVSB2205968),
20 Carroll v. LA Family Housing Corporation (Superior Court of California in Los Angeles,
21 20STCV04474), Wilkerson v. Intuit, Inc. (Superior Court of California in San Diego, 37-2020-
22 00030371-CU-OE-CTL), Teer v. Sabert Corporation (Superior Court of California in Riverside,
23 RIC1905847), Felix v. Wm. Bolthouse Farms, Inc. (Eastern District of California, 1:19-CV-
24 00312-AWI-JLT), Soto v. O'Reilly Auto Enterprises, LLC (Central District of California in
25 Riverside, 5:20-cv-00214-JGB-KK), Kane v. Smithfield Direct, LLC (Central District of
26 California, 21-CV-04832 PA (JCx)), North v. Jones Lang Lasalle Americas, Inc. (Superior
27 Court of California in San Diego, 37-2019-00028271-CU-OE-CTL), among others.

28 6. Plaintiff's counsel, along with the assistance of the Class Representative,

1 conducted an investigation prior to the Complaint being filed and throughout the litigation.
2 Informal discovery was provided for the purpose of the mediation, which included documents
3 and information necessary to calculate damage model prior to attending mediation. The parties
4 thoroughly investigated the claims and exchanged extensive information regarding the claims
5 prior to negotiating a settlement in this case. The parties attended a mediation session before
6 reaching a settlement subject to court approval.

7 7. The settlement amount is, of course, a compromise figure. Plaintiff took into
8 account the risks that the class would not be certified, risks related to proof of Plaintiff's claims
9 and the strengths and weaknesses of Defendant's other defenses. Plaintiff also considered the
10 possibility that if a settlement were reached after additional years of litigation, the great
11 expenses and attorneys' fees of litigation would reduce the amount of funds available to the
12 class members for settlement.

13 8. Class Counsel are experienced and qualified to evaluate Class claims and
14 viability of the defenses. The recovery for each Class Member is fair and reasonable based on
15 all risk factors.

16 9. By the time this case is fully administered, I will have spent more than xxx hours
17 on this matter. The hours spent to date total 42.0 hours (excluding estimated 5.0 hours of post-
18 final approval administration of the settlement).

19 10. My hourly rate for class action work is \$695. The lodestar value of the time I
20 will have devoted to this case by the time this case is fully administered is **\$32,665.00** (47.0
21 hours x \$695).

22 11. My office has not incurred any costs.

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

25 Executed on January 6, 2023 in Glendale, California.

26
27 
28 _____
Emil Davtyan