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Attorneys for Plaintiff VERNELL BATTLE, JR., on behalf of himself and others

SUPERIOR COURT OF CALIFORNIA

FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER

VERNELL BATTLE, JR., on behalf of himself
and other similarly-situated employees,

Plaintiff,

vs.

SAFRAN CABIN, INC., a Delaware
Corporation; and DOES 1 through 25, inclusive,

Defendants.

CASE NO. 30-2020-01140831-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Peter J. Wilson
Department CX 101

CLASS ACTION

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

Hearing Set by Court

(01/10/2023 Order - ROA #211)

Date: June 1, 2023

Time: 2:00 p.m.

Dept: CX 101

Judge: Hon. Peter J. Wilson

Complaint filed: May 26, 2020

Trial date: Not set

1 **DECLARATION OF EMIL DAVTYAN**

2 I, Emil Davtyan, declare as follows:

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

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

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

15 4. I have been actively participating in the prosecution and successful settlement of multiple
16 wage and hour class action lawsuits, helping to recover wages and penalties on behalf of tens of
17 thousands of class members.

18 5. My office has been appointed as Class/PAGA Counsel in numerous class/PAGA actions,
19 including, *De La Rosa v. The Coca Cola Company et al.* (Superior Court of California in Napa,
20 17CV000787), *Harvey v. Bed Bath & Beyond of California Limited Liability Company* (Superior Court
21 of California in Alameda, RG17885153), *Ramirez v. Harris Ranch Beef Company* (Superior Court of
22 California in Fresno, 16CECG04103), *Gates v. Gate Gourmet, Inc. et al.* (Southern District of
23 California, 16-cv-01084-L-AGS), *Hargrave v. Antelope Valley Hospital* (Superior Court of California
24 in Los Angeles, BC663252), *Ramirez v. Milton Roy et al.* (Superior Court of California in Los Angeles,
25 BC 632276), *Hawkins v. AvalonBay Communities* (Superior Court of California in Santa Clara,
26 17CV316492), *Jones Tharpe et al. v. Sprint Corporation et al.* (Superior Court of California in Los
27 Angeles, 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 of

1 California in San Diego, 37-2017-00022348-CUE-OE-CTL), *Ambrose v. Victor Valley Global et al.*
2 (Superior Court of California in San Bernardino, CIVDS1709289), *Puerta-Gildardo v. Real Time*
3 *Staffing Services LLC et al.* (Superior Court of California in Los Angeles, BC565445), *Vargo v. Pregis*
4 *Innovative Packaging LLC* (Superior Court of California in Tulare, 270836), *Conlin v. Aegis Senior*
5 *Communities LLC* (Northern District of California, 17-cv-05534-LHK), *Galarza v. Kloeckner Metals*
6 *Corporation* (Central District of California, 2:17-cv-04910- FMO), *Estes v. L3 Technologies, Inc. et*
7 *al.* (Southern District of California, 3:17-cv-02356-H-JMA), *Rowser v. Trunk Club, Inc.* (Central
8 District of California, 2:17-cv-05064-DSF-RAO), *Leach v. The Claremont Colleges, Inc.* (Superior
9 Court of California in Los Angeles, BC686451), *Vaesau v. PCT Enterprises, Inc. dba Precision*
10 *Cabinets* (Superior Court of California, County of Contra Costa MSC18-02404), *Terry v. TF*
11 *Louderback, Inc. dba Bay Area Beverage Company* (Superior Court of the State of California, County
12 of Contra Costa, MSC18-00859), *Roach v. Westcare California, Inc.* (Superior Court of California in
13 Kern County, BCV-17-102367-SDS), *Patton v. Church & Dwight Co., Inc.* (Central District of
14 California, EDCV 18-903-MWF (KKx)), *Juarez v. ISL Employees, Inc.* (Superior Court of California
15 in Madera, MCV074787), *Ferraro v. USC Verdugo Hills Hospital, et al.* (Superior Court of California
16 in Los Angeles, 18STCV09463), *Ford v. Account Control Technology, Inc., et al.* (Superior Court of
17 California in Los Angeles, 19STCV09369), *Ornelas v. iStorage, et al.* (Superior Court of California in
18 San Francisco, CGC-18-571421), *Martinez v. Ronpak, Inc.* (Superior Court of California in Riverside,
19 RIC1901307), *Barrera et al. v. Exclusive Wireless, Inc.* (Superior Court of California in Stanislaus,
20 9000687), *Barajas v. Mancha Development Company LLC* (Superior Court of California in Orange
21 County, 30-2018-00974707-CU-OE-CXC), *Prado v. IMAX Corporation dba IMAC Worldwide Home*
22 (Superior Court of California in San Bernardino, CIVDS1820265), *Rodriguez v. ND Industries, Inc.*
23 (Superior Court of California in Los Angeles, 19STCV38096), *Singletary v. Motel 6 Operating LP, et*
24 *al.* (Southern District of California, 3:20-cv-0270-LAB-AHG), *Quizon v. CF Watsonville East, LLC,*
25 *et al.* (Superior Court of California in Santa Cruz, 20CV01868), *Stephenson v. Bakersfield Dodge, Inc.*
26 (Superior Court of California in Kern, BCV-20-102693), *Bacerra v. Hugo Boss Retail, Inc.* (Superior
27 Court of California in San Diego, 37-2021-00002933-CU-OE-CTL), *Walker v. Ariat International, Inc.*
28 (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), *Taylor v. Populus Group, LLC* (Southern District of California, 3:20-cv-00473-BAS-BLM), *Wilkerson v. Intuit, Inc.* (Superior Court of California in San Diego, 37-2020-00030371-CU-OE-CTL), among others.

6. 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.*

1 *St. Joseph Medical Center* (Superior Court of California in San Joaquin, STK-CV-UOE-2019-
2 0011155), *Jones v. Summit Therapeutics Services Inc.* (Superior Court of California in Santa Clara,
3 19CV353991), *Barksdale v. UC Davis Medical Center* (Superior Court of California in Sacramento,
4 00269829), *Springstead v. Recovery Innovations Inc., et al.* (Superior Court of California in San Diego,
5 37-2020-00001555-CU-OECTL), *Oceana v. Tri-City Medical Center* (Superior Court of California in
6 San Diego, 37-2019-65323-CU-OE-CTL), *Maldonado v. Sit 'N Sleep, Inc.* (Superior Court of
7 California in Los Angeles, 19STCV41237), *Harisis v. Starbucks Corporation* (Superior Court of
8 California in Los Angeles, 20STCV11290), *Smith v. Noia Residential Services, Inc.* (Superior Court of
9 California in Fresno, 20CECG01820), *Diaz v. Recon 360, LLC* (Superior Court of California in Santa
10 Clara, 20CV370603), *Rivas v. 8x8, Inc.* (Superior Court of California in Santa Clara, 20cv374192),
11 *Compton v. Broadbase, Inc.* (Superior Court of California in Sacramento, 34-2020-00285501-CU-OE-
12 GDS), *Marden v. CVS Pharmacy, Inc., et al.* (Superior Court of California in Placer, S-CV-0045902),
13 *Godwin v. St. Mary Medical Center Foundation, et al.* (Superior Court of California in Los Angeles,
14 20STCV45671), *Tabera v. St. Elizabeth Community Hospital, et al.* (Superior Court of California in
15 San Francisco, CGC-21-589691), *Morgan v. Candid Care Co.* (Superior Court of California in San
16 Francisco, 3:21-cv-01748-JSC), *Richardson v. Pegasus Aviation Services, LLC* (Superior Court of
17 California in San Mateo, 21-CIV-00292), *Newsome v. Graybar Electric Company, Inc.* (Northern
18 District of California, 4:21cv1000), *Terronez v. ST. JOHN'S Regional Medical Center, et al.* (Superior
19 Court of California in Ventura, 56-2021-00551166-CU-OE-VTA), *Butler v. PowerSchool Group, LLC*
20 (Superior Court of California in Sacramento, 34-2021-00303458), *Dale v. PCC Structural Inc., et al.*
21 (Superior Court of California in Alameda, RG21102183), *Horowitz v. Sky West Airlines* (Northern
22 District of California, 3:21-cv-04674-MMC), *Castillo v. Harmony Foods, LLC et al.* (Superior Court
23 of California in Santa Cruz, 21CV00961), *Wightman v. Cobham Advanced Electronic Solutions, Inc.*
24 (Superior Court of California in San Diego, 37-2021-00038124-CU-OE-CTL), *Martin v. Air*
25 *International US Inc.* (Superior Court of California in Alameda, RG21098764), *Ziperman v. Parkway*
26 *Motorcars Valencia Inc., et al.* (Superior Court of California in Los Angeles, 21STCV31959), *Amiri v.*
27 *Grewal Foods OC Sub, Inc. dba Subway* (Superior Court of California in Los Angeles, 21STCV20426),
28 *Valenzuela v. Network Medical Management, Inc.* (Superior Court of California in Los Angeles,

21STCV39548), *Miles v. Chico Produce Inc.* (Superior Court of California in Sacramento, 00301881),
Hoelzel v. Starbucks (Superior Court of California in Los Angeles, 21STCV37838), *Randle- Tatum v.*
Hopdoddy Burger Bar, Inc. (Superior Court of California in Los Angeles, 21STCV21015), *Magallan*
v. SW Ingredients Holdings, LLC et al. (Superior Court of California in Fresno, 21CECG01943), *Turner*
v. Smithfield Distribution, LLC (Superior Court of California in Los Angeles, 21STCV23414),
Balabanoff v. Classic Vacations, LLC, et al. (Superior Court of California in Santa Clara,
21CV392334), *Martin v. American Custom Private Security Inc.* (Superior Court of California in San
Joaquin, STK-CV-UOE-2021-8213), *Brito v. Brothers International Desserts Inc. et al.* (Superior
Court of California in Orange, 30-2022-01242515-CU-OE-CXC), *Chavis v. Grocery Outlet, Inc.*
(Superior Court of California in Sacramento, 34-2021-00309003-CU-OE-GDS), *Randall v. YRC Inc.,*
et al. (Superior Court of California in San Bernardino, CIVSB2205968), *Carroll v. LA Family Housing*
Corporation (Superior Court of California in Los Angeles, 20STCV04474), *Teer v. Sabert Corporation*
(Superior Court of California in Riverside, RIC1905847), *Felix v. Wm. Bolthouse Farms, Inc.* (Eastern
District of California, 1:19-CV-00312-AWI-JLT), *Soto v. O'Reilly Auto Enterprises, LLC* (Central
District of California in Riverside, 5:20-cv-00214-JGB-KK), *Kane v. Smithfield Direct, LLC* (Central
District of California, 21-CV-04832 PA (JCx)), *North v. Jones Lang Lasalle Americas, Inc.* (Superior
Court of California in San Diego, 37-2019-00028271-CU-OE-CTL), among others.

7. Although I am experienced in employment and class action matters, I associated in as co-
counsel on this case with Cohelan Khoury & Singer, who has a great deal of experience in wage and
hour class action employment cases, and together our firms have and will continue to aggressively and
competently represent the named plaintiff and putative class members in this case.

8. Plaintiff's counsel, along with the assistance of the Plaintiff, conducted an investigation
prior to the Complaint being filed and throughout the litigation. Plaintiff's counsel reviewed
Defendant's policies and practices and analyzed documents produced by Defendant. Defendant also
produced documents and information necessary to calculate damage models prior to attending
mediation. The parties thoroughly investigated the claims and exchanged extensive information
regarding the claims prior to negotiating a settlement in this case. The parties attended a mediation
session before reaching a settlement subject to court approval.

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

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

Fees Incurred by My Office

11. By the time this case is fully administered, I will have spent more than 87.5 hours on this matter. The hours spent to date total 82.50 hours (excluding estimated 5.0 hours of post-final approval administration of the settlement), which consist of the following:

- a. 43.5 hours conducting pre-litigation investigation, including meetings and/or calls with the Plaintiffs and researching the Defendant and/or speaking to class members Plaintiffs identified regarding Plaintiffs' factual contentions, and conducting legal research regarding Plaintiff's claims;
- b. 15.0 hours performing litigation related work excluding work related to settlement, or preliminary and final approval motions;
- c. 24.0 hours related to settlement, approval of the settlement, including drafting or reviewing the preliminary and final approval papers; and
- d. Approximately 5.0 hours (estimate) related to post-final approval settlement administration including but not limited to answering questions from class members regarding their payment.

12. My hourly rate for class action work is \$695.00. The lodestar value of the time I will have devoted to this case by the time this case is fully administered is **\$60,812.50** (87.5 hours x \$695.00).

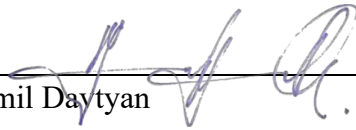
13. My office has incurred costs totaling **\$472.50** for expert costs in analysis of time and payroll records.

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

3 Executed on April 30, 2023 in Glendale, California.

4
5 
6 Emil Davtyan