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11 and all other similarly-situated and aggrieved employees

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF PLACER**

14 DANIEL MARDEN, on behalf of himself
15 and all other similarly-situated and
aggrieved employees,

16 Plaintiff,

17 v.

18 CVS PHARMACY, INC., a Rhode Island
19 Corporation; LONGS DRUG STORES
20 CALIFORNIA, L.L.C.; a California Limited
Liability Company; and DOES 1 through 10,
21 Inclusive,

22 Defendants.

Case No. S-CV-0045902

CLASS AND REPRESENTATIVE ACTION

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

Hearing: October 5, 2023

Time: 8:30 a.m.

Dept: 3

Judge: Hon. Michael Jones

Complaint filed: December 4, 2020

Trial date: Not set

DECLARATION OF EMIL DAVTYAN

I, Emil Davtyan, declare as follows:

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

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

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

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

5. My office has been appointed as Class/PAGA Counsel in numerous class/PAGA actions, including, De La Rosa v. The Coca Cola Company et al. (Superior Court of California in Napa, 17CV000787), Harvey v. Bed Bath & Beyond of California Limited Liability Company (Superior Court of California in Alameda, RG17885153), Ramirez v. Harris Ranch Beef Company (Superior Court of California in Fresno, 16CECG04103), Gates v. Gate Gourmet, Inc. et al. (Southern District of California, 16-cv-01084-L-AGS), Hargrave v. Antelope Valley Hospital (Superior Court of California in Los Angeles, BC663252), Ramirez v. Milton Roy et al. (Superior Court of California in Los Angeles, BC 632276), Hawkins v. AvalonBay Communities (Superior Court of California in Santa Clara, 17CV316492), Jones Tharpe et al. v. Sprint Corporation et al. (Superior Court of California in Los Angeles, BC644645), Ortega et al. v. Nestle Waters North America, Inc. et al. (Superior Court of

1 California in Los Angeles, BC623610), Schultz v. Jimbo's Natural Family, Inc. (Superior Court
2 of California in San Diego, 37-2017-00022348-CUE-OE-CTL), Ambrose v. Victor Valley
3 Global et al. (Superior Court of California in San Bernardino, CIVDS1709289), Puerta-
4 Gildardo v. Real Time Staffing Services LLC et al. (Superior Court of California in Los
5 Angeles, BC565445), Vargo v. Pregis Innovative Packaging LLC (Superior Court of California
6 in Tulare, 270836), Conlin v. Aegis Senior Communities LLC (Northern District of California,
7 17-cv-05534-LHK), Galarza v. Kloeckner Metals Corporation (Central District of California,
8 2:17-cv-04910- FMO), Estes v. L3 Technologies, Inc. et al. (Southern District of California,
9 3:17-cv-02356-H-JMA), Rowser v. Trunk Club, Inc. (Central District of California, 2:17-cv-
10 05064-DSF-RAO), Leach v. The Claremont Colleges, Inc. (Superior Court of California in Los
11 Angeles, BC686451), Vaesau v. PCT Enterprises, Inc. dba Precision Cabinets (Superior Court
12 of California, County of Contra Costa MSC18-02404), Terry v. TF Louderback, Inc. dba Bay
13 Area Beverage Company (Superior Court of the State of California, County of Contra Costa,
14 MSC18-00859), Roach v. Westcare California, Inc. (Superior Court of California in Kern
15 County, BCV-17-102367-SDS), Patton v. Church & Dwight Co., Inc. (Central District of
16 California, EDCV 18-903-MWF (KKx)), Juarez v. ISL Employees, Inc. (Superior Court of
17 California in Madera, MCV074787), Ferraro v. USC Verdugo Hills Hospital, et al. (Superior
18 Court of California in Los Angeles, 18STCV09463), Ford v. Account Control Technology, Inc.,
19 et al. (Superior Court of California in Los Angeles, 19STCV09369), Ornelas v. iStorage, et al.
20 (Superior Court of California in San Francisco, CGC-18-571421), Martinez v. Ronpak, Inc.
21 (Superior Court of California in Riverside, RIC1901307), Barrera et al. v. Exclusive Wireless,
22 Inc. (Superior Court of California in Stanislaus, 9000687), Barajas v. Mancha Development
23 Company LLC (Superior Court of California in Orange County, 30-2018-00974707-CU-OE-
24 CXC), Prado v. IMAX Corporation dba IMAC Worldwide Home (Superior Court of California
25 in San Bernardino, CIVDS1820265), Rodriguez v. ND Industries, Inc. (Superior Court of
26 California in Los Angeles, 19STCV38096), Singletary v. Motel 6 Operating LP, et al. (Southern
27 District of California, 3:20-cv-0270-LAB-AHG), Quizon v. CF Watsonville East, LLC, et al.
28 (Superior Court of California in Santa Cruz, 20CV01868), Stephenson v. Bakersfield Dodge,

1 Inc. (Superior Court of California in Kern, BCV-20-102693), Bacerra v. Hugo Boss Retail, Inc.
2 (Superior Court of California in San Diego, 37-2021-00002933-CU-OE-CTL), Walker v. Ariat
3 International, Inc. (Superior Court of California in Alameda, HG19026439), Orr v. Petvet Care
4 Centers (California) Inc. (Superior Court of California in Santa Clara, 19CV354063), Jimenez
5 v. OEC Distribution Services, Inc. (Superior Court of California in San Bernardino,
6 CIVDS1915743), Viridi v. Absolute Security International (Superior Court of California in San
7 Bernardino, CIVDS 1909589), Raj v. First Transit, Inc. (Superior Court of California in
8 Sacramento, 34-2021- 00295895-CU-OE-GDS), Marchbanks v. Torrid Administration, Inc.
9 (Superior Court of California in San Diego, 37-2020-00008179-CU-OE-NC), Taylor v. Populus
10 Group, LLC (Southern District of California, 3:20-cv-00473-BAS-BLM), Wilkerson v. Intuit,
11 Inc. (Superior Court of California in San Diego, 37-2020-00030371-CU-OE-CTL), among
12 others.

13 6. My office has been counsel of record in a number of pending wage and hour
14 class/PAGA action lawsuits, including, Trevino v. Golden State FC LLC et al. (Eastern District
15 of California, 1:18-cv-00120-DAD (BAM)), Moriana v. Viking River Cruises (Superior Court
16 of California in Los Angeles, BC 687325), Garcia v. Statewide Traffic Safety and Signs, Inc.
17 (Superior Court of California in Orange County, 30-2018-01011814-CU-OE-CXC), Arellano v.
18 Lopez & Arteaga, Inc. et al. (Superior Court of California in Santa Clara, 17CV313029),
19 Cummings v. Eureka Restaurant Group LLC (Superior Court of California in Santa
20 Barbara, 18CV000849), Cruz v. Talentscale LLC (Superior Court of California in Riverside
21 County, RIC1821842), Tolbert v. Northbay Healthcare Corporation (Superior Court of
22 California in Solano County, FCS051565), Cruz v. Dignity Health dba Bruceville Terrace
23 (Superior Court of California in Sacramento County, 34-2018-00245506), Limon v. Circle K
24 Stores, Inc. (Eastern District of California, 18-cv-01689-LJO-SKO), Parra, et al. vs. Trinity
25 Services Group, Inc. (Superior Court of California in Kern, JCCP5155), Gomez v. The Regents
26 of the University of California et al. (Superior Court of California in San Diego, 37-2019-
27 00030873-CU-OE-CTL), Larson v. Mark Twain Medical Center (Superior Court of California
28 in Calaveras, 19CV44062) Girard v. Office Depot Inc. (Superior Court of California in Santa

1 Clara, 19CV351584), Johnson v. Bakersfield Memorial Hospital, et al. (Superior Court of
2 California in Kern BCV-19-102016), Higginbotham et al. v. South East Employee Leasing
3 Services (Eastern District of California, 2:20-CV-00575-KJM-DB) Bailon v. LAFC Sports LLC
4 (Superior Court of California in Los Angeles, 19STCV29518), Hutchinson v. G6 Hospitality
5 LLC dba Motel 6 (Southern District of California, 3:20-cv-00270-LAB-AHG), Powell v. St.
6 Joseph Medical Center (Superior Court of California in San Joaquin, STK-CV-UOE-2019-
7 0011155), Jones v. Summit Therapeutics Services Inc. (Superior Court of California in Santa
8 Clara, 19CV353991), Barksdale v. UC Davis Medical Center (Superior Court of California in
9 Sacramento, 00269829), Springstead v. Recovery Innovations Inc., et al. (Superior Court of
10 California in San Diego, 37-2020-00001555-CU-OECTL), Maldonado v. Sit 'N Sleep, Inc.
11 (Superior Court of California in Los Angeles, 19STCV41237), Harisis v. Starbucks Corporation
12 (Superior Court of California in Los Angeles, 20STCV11290), Diaz v. Recon 360, LLC
13 (Superior Court of California in Santa Clara, 20CV370603), Rivas v. 8x8, Inc. (Superior Court
14 of California in Santa Clara, 20cv374192), Compton v. Broadbase, Inc. (Superior Court of
15 California in Sacramento, 34-2020-00285501-CU-OE-GDS), Godwin v. St. Mary Medical
16 Center Foundation, et al. (Superior Court of California in Los Angeles, 20STCV45671), Tabera
17 v. St. Elizabeth Community Hospital, et al. (Superior Court of California in San Francisco,
18 CGC-21-589691), Morgan v. Candid Care Co. (Superior Court of California in San Francisco,
19 3:21-cv-01748-JSC), Richardson v. Pegasus Aviation Services, LLC (Superior Court of
20 California in San Mateo, 21-CIV-00292), Newsome v. Graybar Electric Company, Inc.
21 (Northern District of California, 4:21cv1000), Terronez v. ST. JOHN'S Regional Medical
22 Center, et al. (Superior Court of California in Ventura, 56-2021-00551166-CU-OE-VTA),
23 Butler v. PowerSchool Group, LLC (Superior Court of California in Sacramento, 34-2021-
24 00303458), Dale v. PCC Structurals Inc., et al. (Superior Court of California in Alameda,
25 RG21102183), Horowitz v. Sky West Airlines (Northern District of California, 3:21-cv-04674-
26 MMC), Castillo v. Harmony Foods, LLC et al. (Superior Court of California in Santa Cruz,
27 21CV00961), Wightman v. Cobham Advanced Electronic Solutions, Inc. (Superior Court of
28 California in San Diego, 37-2021-00038124-CU-OE-CTL), Martin v. Air International US Inc.

(Superior Court of California in Alameda, RG21098764), Ziperman v. Parkway Motorcars Valencia Inc., et al. (Superior Court of California in Los Angeles, 21STCV31959), Amiri v. Grewal Foods OC Sub, Inc. dba Subway (Superior Court of California in Los Angeles, 21STCV20426), 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), 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 the law firm of Cohelan Khoury & Singer, which has a great deal of experience in wage and hour class action employment cases and together both of our firms have and will continue to aggressively and competently represent the named plaintiff and putative class members in this case. In light of the foregoing, I am qualified to act as co-Class Counsel in this matter and support the proposed Settlement.

1 8. Class Counsel conducted an investigation prior to the Complaint being filed. The
2 Parties thoroughly evaluated the claims and exchanged extensive information regarding the
3 claims prior to negotiating a settlement in this case. Class Counsel reviewed Defendant's
4 policies and practices and analyzed documents produced by Defendant necessary to calculate
5 damage models. The Parties mediated with Michael D. Young, Esq. on March 24, 2022. After a
6 full day of arms'-length negotiations, the Parties reached a Settlement.

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

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

16 11. By the time this case is fully administered, I will have spent more than 56.5
17 hours on this matter. The hours spent to date total 50.5 hours (excluding estimated 6.0 hours of
18 post-final approval administration of the settlement), which consist of the following:

- 19 a. 16.0 hours conducting pre-litigation investigation, including meetings and/or
20 calls with the Plaintiffs and researching the Defendant and/or speaking to class
21 members Plaintiffs identified regarding Plaintiffs' factual contentions, and
22 conducting legal research regarding Plaintiff's claims;
- 23 b. 18.5 hours related to litigation, excluding hours related to settlement and
24 approval of the settlement;
- 25 c. 16.0 hours related to settlement and approval of the settlement; and
- 26 d. Approximately 6.0 hours (estimate) related to post-final approval settlement
27 administration including but not limited to answering questions from class
28 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 **\$39,267.50** (56.5 hours x \$695.00).

13. My office has not incurred any costs in this matter.

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

Executed on September 5, 2023 in Glendale, California.

Emil Davtyan