

COHELANKHOURY & SINGER

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

Diana M. Khoury (SBN 128643)

dkhoury@ckslaw.com

J. Jason Hill (SBN 179630)

jhill@ckslaw.com

605 C Street, Suite 200

San Diego, CA 92101

Telephone: (619) 595-3001/Facsimile: (619) 595-3000

DAVTYAN LAW FIRM, INC.

Emil Davtyan (SBN 299363)

support@davtyanlaw.com

880 E. Broadway

Glendale, CA 91205

Telephone: (818) 875-2008/Facsimile: (818) 722-3974

Attorneys for Plaintiff Steven Kane, on behalf of
Himself and the Conditionally Certified Class

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

STEVEN KANE, on behalf of
himself and other similarly-situated
employees,

Plaintiff,

vs.

SMITHFIELD DIRECT, LLC, a
Delaware Limited Liability
Company; and DOES 1 through 10,
inclusive,

Defendants.

CASE NO. 21-CV-04832 PA (JCx)

CLASS ACTION

**DECLARATION OF EMIL
DAVTYAN IN SUPPORT OF
MOTION FOR ORDER GRANTING
ATTORNEYS' FEES, LITIGATION
COSTS, CLASS REPRESENTATIVE
SERVICE PAYMENT, AND
ADMINISTRATION EXPENSES**

Date: August 1, 2022
Time: 1:30 p.m.
Judge: Percy Anderson
Ctrm.: 9A

Filed: April 12, 2021
Removed: June 14, 2021

DECLARATION OF EMIL DAVTYAN

I, Emil Davtyan, declare:

1. I am an attorney licensed and admitted to practice law in California. I am the founder and the managing attorney of Davtyan Law Firm, counsel for Plaintiff Steven Kane (“Plaintiff” or “Class Representative”) on behalf of similarly situated employees of Smithfield Direct LLC (collectively “Defendant”). I and my firm along with the law firm of Cohelan Khoury & Singer are referred to herein as Class Counsel. I have personal knowledge of the facts herein and if called as a witness, I could and would competently testify.

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 Davtyan Law Firm, Inc. (formerly known as Davtyan Professional Law Corporation) in Glendale, California. 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.

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 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. My office has been appointed as Class/PAGA Counsel in several 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,

1 RG17885153), *Paredes v. Bottling Group LLC et. al.* (Superior Court of
2 California in Kern), *Ramirez v. Harris Ranch Beef Company* (Superior Court of
3 California in Fresno, 16CECG04103), *Gates v. Gate Gourmet, Inc. et. al.*
4 (Southern District of California, 16-cv-01084-L-AGS), *Hargrave v. Antelope*
5 *Valley Hospital* (Superior Court of California in Los Angeles, BC663252),
6 *Ramirez v. Milton Roy et. al.* (Superior Court of California in Los Angeles, BC
7 632 276), *Hawkins v. AvalonBay Communities* (Superior Court of California in
8 Santa Clara, 17CV316492), *Jones Tharpe et al. v. Sprint Corporation et al.*
9 (Superior Court of California in Los Angeles, BC644645), *Ortega et al. v. Nestle*
10 *Waters North America, Inc. et al.* (Superior Court of California in Los Angeles,
11 BC623610), *Schultz v. Jimbo's Natural Family, Inc.* (Superior Court of California
12 in San Diego, 37-2017-00022348-CUE-OE-CTL), *Ambrose v. Victor Valley*
13 *Global et al.* (Superior Court of California in San Bernardino, CIVDS1709289),
14 *Puerta-Gildardo v. Real Time Staffing Services LLC et. al.* (Superior Court of
15 California in Los Angeles, BC565445), *Vargo v. Pregis Innovative Packaging*
16 *LLC* (Superior Court of California in Tulare, 270836), *Conlin v. Aegis Senior*
17 *Communities LLC* (Northern District of California, 17-cv-05534-LHK), *Galarza*
18 *v. Kloeckner Metals Corporation* (Central District of California, 2:17-cv-04910-
19 FMO), *Estes v. L3 Technologies, Inc. et al.* (Southern District of California, 3:17-
20 cv-02356-H-JMA), *Rowser v. Trunk Club, Inc.* (Central District of California,
21 2:17-cv-05064-DSF-RAO), *Leach v. The Claremont Colleges, Inc.* (Superior
22 Court of California in Los Angeles, BC686451), *Vaesau v. PCT Enterprises, Inc.*
23 *dba Precision Cabinets* (Superior Court of California, County of Contra Costa
24 MSC18-02404), *Terry v. TF Louderback, Inc. dba Bay Area Beverage Company*
25 (Superior Court of the State of California, County of Contra Costa, MSC18-
26 00859), *Roach v. Westcare California, Inc.* (Superior Court of California in Kern
27 County, BCV-17-102367-SDS), *Patton v. Church & Dwight Co., Inc.* (Central
28 District of California, EDCV 18-903-MWF (KKx)), among others.

1 5. My office has been counsel of record in a number of pending wage
2 and hour class/PAGA action lawsuits, including *Trevino v. Golden State FC LLC*
3 *et al.* (Eastern District of California, 1:18-cv-00120-DAD (BAM)), *Moriana v.*
4 *Viking River Cruises* (Superior Court of California in Los Angeles, BC 687325),
5 *Garcia v. Statewide Traffic Safety and Signs, Inc.* (Superior Court of California in
6 Orange County, 30-2018-01011814-CU-OE-CXC), *Arellano v. Lopez & Arteaga,*
7 *Inc. et al.* (Superior Court of California in Santa Clara, 17CV313029), *Juarez v.*
8 *ISL Employees, Inc.* (Superior Court of California in Madera, MCV074787),
9 *Cummings v. Eureka Restaurant Group LLC* (Superior Court of California in
10 Santa Barbara, 18CV000849), *Cruz v. Talentscale LLC* (Superior Court of
11 California in Riverside County, RIC1821842), *Tolbert v. Northbay Healthcare*
12 *Corporation* (Superior Court of California in Solano County, FCS051565), *Cruz*
13 *v. Dignity Health dba Bruceville Terrace* (Superior Court of California in
14 Sacramento County, 34-2018-00245506), among others.

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

21 7. Plaintiff's counsel, along with the assistance of the Class
22 Representative, conducted an investigation prior to the Complaint being filed and
23 throughout the litigation. Discovery included informal discovery provided for the
24 purpose of the mediation. Plaintiffs conducted investigations into Defendant's
25 policies and practices and reviewed and analyzed documents produced by
26 Defendant. Defendant also informally produced documents and information
27 necessary to calculate damage models prior to attending mediation. The parties
28 thoroughly investigated the claims and exchanged extensive information

1 regarding the claims prior to negotiating a settlement in this case. The parties
2 attended a mediation session before reaching a settlement subject to court
3 approval.

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

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

14 **Fees and Costs My Office Has Incurred**
15

16 10. By the time this case is fully administered, I will have spent more
17 than **53.7** hours on this matter.

18 11. These hours include 20.0 hours conducting pre-litigation
19 investigation, including meeting and/or speaking with the Plaintiffs and other
20 class members, and researching the Defendant and other cases against Defendant;
21 conducting legal research regarding Plaintiffs' claims. This time also included
22 document review, and email exchanges and/or meetings with co-counsel, and the
23 provision of input on the scope of the claims that were ultimately pled. I have
24 spent 21.7 hours during the course of the litigation including discovery, mediation
25 related work, strategizing, providing information I obtained to co-counsel,
26 providing input in connection with the settlement process, among other related
27 activities. I have spent 8.0 hours in connection with preliminary and/or final
28 approval filings. Approximately 4.0 hours (*estimate*) will be spent related to

1 post-final approval settlement administration to answer questions from class
2 members regarding their payment.

3 12. My hourly rate for class action work is \$595. The lodestar value of
4 the time I will have devoted to this case by the time this case is fully administered
5 (which includes the estimated 4.0 hours of post-final approval administration) is
6 **\$31,951.50** (53.7 hours x \$595).

7 13. My office has incurred expenses in the amount of **\$207.60**, which
8 entirely consists of charges from CaseAnywhere online access.

9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct.

11 Executed on March 7, 2022 in Glendale, California.

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13 
14 Emil Davtyan
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