

1 **COHELAN KHOURY & SINGER**

Michael D. Singer (SBN 115301)

2 msinger@ckslaw.com

3 Rosemary C. Khoury (SBN 331307)

rkhoury@ckslaw.com

4 605 C Street, Suite 200

San Diego, CA 92101

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

6 **D.LAW, INC.**

Emil Davtyan (SBN 299363)

7 emil@d.law

8 400 N. Brand Blvd., 7th Floor

Glendale, CA 91203

9 Telephone: (818) 875-2008

Facsimile: (818) 722-3974

10
11 Attorneys for Plaintiff Bethany A. Butler, on behalf of herself
12 and similarly-situated and aggrieved employees

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF SACRAMENTO**

15 BETHANY A. BUTLER, on behalf of
16 herself and similarly-situated and aggrieved
employees,

17 Plaintiff,

18 v.

19 POWERSCHOOL GROUP LLC, a
20 Delaware Limited Liability Company; and
DOES 1 through 10, Inclusive,

21 Defendants.

Lead Case No. 34-2021-00299363-CU-OE-GDS
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Jill H. Talley
Department 23

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF EMIL DAVTYAN IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS,
REPRESENTATIVE, AND COLLECTIVE
ACTION SETTLEMENT**

22 Date: January 10, 2025

23 Time: 9:00 a.m.

24 Dept.: 23

Judge: Honorable Jill H. Talley

25 Complaint filed: April 26, 2021

26 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 Bethany A. Butler and have personal knowledge of the facts thereto. If
5 called 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 at D.Law, Inc. (formerly known as 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.

17 5. My office has been appointed as Class/PAGA Counsel in numerous Class/PAGA
18 actions, including, *De La Rosa v. The Coca Cola Company et al.* (Superior Court of California
19 in Napa, 17CV000787), *Harvey v. Bed Bath & Beyond of California Limited Liability Company*
20 (Superior Court of California in Alameda, RG17885153), *Ramirez v. Harris Ranch Beef*
21 *Company* (Superior Court of California in Fresno, 16CECG04103), *Gates v. Gate Gourmet, Inc.*
22 *et al.* (Southern District of California, 16-cv-01084-L-AGS), *Hargrave v. Antelope Valley*
23 *Hospital* (Superior Court of California in Los Angeles, BC663252), *Ramirez v. Milton Roy et al.*
24 (Superior Court of California in Los Angeles, BC632276), *Hawkins v. AvalonBay Communities*
25 (Superior Court of California in Santa Clara, 17CV316492), *Jones Tharpe et al. v. Sprint*
26 *Corporation et al.* (Superior Court of California in Los Angeles, BC644645), *Ortega et al. v.*
27 *Nestle Waters North America, Inc. et al.* (Superior Court of California in Los Angeles,
28 BC623610), *Schultz v. Jimbo's Natural Family, Inc.* (Superior Court of California in San Diego,

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

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), *Oceana v. Tri-City Medical Center*
11 (Superior Court of California in San Diego, 37-2019-65323-CU-OE-CTL), *Maldonado v. Sit 'N*
12 *Sleep, Inc.* (Superior Court of California in Los Angeles, 19STCV41237), *Taylor v. Populus*
13 *Group, LLC* (Southern District of California, 3:20-cv-00473-BAS-BLM), *Lim v. Seafood City,*
14 *et al.* (Superior Court of California in Alameda, RG20066777), *Harisis v. Starbucks*
15 *Corporation* (Superior Court of California in Los Angeles, 20STCV11290), *Battle v. Safran*
16 *Cabin* (Superior Court of California in Orange, 30-2020-01140831-CU-OE-CXC), *Smith v.*
17 *Noia Residential Services, Inc.* (Superior Court of California in Fresno, 20CECG01820), *Diaz v.*
18 *Recon 360, LLC* (Superior Court of California in Santa Clara, 20CV370603), *Rivas v. 8x8, Inc.*
19 (Superior Court of California in Santa Clara, 20cv374192), *Compton v. Broadbase, Inc.*
20 (Superior Court of California in Sacramento, 34-2020-00285501-CU-OE-GDS), *Marden v. CVS*
21 *Pharmacy, Inc., et al.* (Superior Court of California in Placer, S-CV-0045902), *Godwin v. St.*
22 *Mary Medical Center Foundation, et al.* (Superior Court of California in Los Angeles,
23 20STCV45671), *Tabera v. St. Elizabeth Community Hospital, et al.* (Superior Court of
24 California in San Francisco, CGC-21-589691), *Morgan v. Candid Care Co.* (Superior Court of
25 California in San Francisco, 3:21-cv-01748-JSC), *Richardson v. Pegasus Aviation Services,*
26 *LLC* (Superior Court of California in San Mateo, 21-CIV-00292), *Newsome v. Graybar Electric*
27 *Company, Inc.* (Northern District of California, 4:21cv1000), *Terronez v. ST. JOHN'S Regional*
28 *Medical Center, et al.* (Superior Court of California in Ventura, 56-2021-00551166-CU-OE-

1 VTA), *Butler v. PowerSchool Group, LLC* (Superior Court of California in Sacramento, 34-
2 2021-00303458), *Dale v. PCC Structural Inc., et al.* (Superior Court of California in Alameda,
3 RG21102183), *Horowitz v. Sky West Airlines* (Northern District of California, 3:21-cv-04674-
4 MMC), *Castillo v. Harmony Foods, LLC et al.* (Superior Court of California in Santa Cruz,
5 21CV00961), *Wightman v. Cobham Advanced Electronic Solutions, Inc.* (Superior Court of
6 California in San Diego, 37-2021-00038124-CU-OE-CTL), *Martin v. Air International US Inc.*
7 (Superior Court of California in Alameda, RG21098764), *Ziperman v. Parkway Motorcars*
8 *Valencia Inc., et al.* (Superior Court of California in Los Angeles, 21STCV31959), *Amiri v.*
9 *Grewal Foods OC Sub, Inc. dba Subway* (Superior Court of California in Los Angeles,
10 21STCV20426), *Valenzuela v. Network Medical Management, Inc.* (Superior Court of
11 California in Los Angeles, 21STCV39548), *Miles v. Chico Produce Inc.* (Superior Court of
12 California in Sacramento, 00301881), *Hoelzel v. Starbucks* (Superior Court of California in Los
13 Angeles, 21STCV37838), *Randle- Tatum v. Hopdoddy Burger Bar, Inc.* (Superior Court of
14 California in Los Angeles, 21STCV21015), *Magallan v. SW Ingredients Holdings, LLC et al.*
15 (Superior Court of California in Fresno, 21CECG01943), *Turner v. Smithfield Distribution,*
16 *LLC* (Superior Court of California in Los Angeles, 21STCV23414), *Balabanoff v. Classic*
17 *Vacations, LLC, et al.* (Superior Court of California in Santa Clara, 21CV392334), *Martin v.*
18 *American Custom Private Security Inc.* (Superior Court of California in San Joaquin, STK-CV-
19 UOE-2021-8213), *Brito v. Brothers International Desserts Inc. et al.* (Superior Court of
20 California in Orange, 30-2022-01242515-CU-OE-CXC), *Chavis v. Grocery Outlet, Inc.*
21 (Superior Court of California in Sacramento, 34-2021-00309003-CU-OE-GDS), *Randall v. YRC*
22 *Inc., et al.* (Superior Court of California in San Bernardino, CIVSB2205968), *Carroll v. LA*
23 *Family Housing Corporation* (Superior Court of California in Los Angeles, 20STCV04474),
24 *Wilkerson v. Intuit, Inc.* (Superior Court of California in San Diego, 37-2020-00030371-CU-
25 OE-CTL), *Teer v. Sabert Corporation* (Superior Court of California in Riverside, RIC1905847),
26 *Felix v. Wm. Bolthouse Farms, Inc.* (Eastern District of California, 1:19-CV-00312-AWI-JLT),
27 *Soto v. O'Reilly Auto Enterprises, LLC* (Central District of California in Riverside, 5:20-cv-
28 00214-JGB-KK), *Kane v. Smithfield Direct, LLC* (Central District of California, 21-CV-04832

1 PA (JCx)), *North v. Jones Lang Lasalle Americas, Inc.* (Superior Court of California in San
2 Diego, 37-2019-00028271-CU-OE-CTL), among others.

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

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

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

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

25 11. In my opinion, based on my experience as outlined above, the settlement is fair,
26 reasonable, and adequate and should receive this Court's final approval.

Fees My Office Has Incurred

12. By the time this case is fully administered, I will have spent more than XXX hours on this matter. The hours spent to date total 49.70 hours (excluding estimated 5.0 hours of post-final approval administration of the settlement). Attached as Exhibit A is a true and correct copy of my time records. My time consists of the following:

- a. 20.0 hours conducting pre-litigation investigation, including meetings and/or calls with the Plaintiff and researching the Defendant and/or speaking to aggrieved employees Plaintiff identified regarding Plaintiff's factual contentions, and conducting legal research regarding Plaintiff's claims; (see Exhibit A)
- b. 10.5 hours related to litigation, excluding hours related to settlement and approval of the settlement; (see Exhibit A)
- c. 19.20 hours related to the settlement and approval of the settlement; (see Exhibit A) and
- d. Approximately 5.0 hours (estimate) related to post-approval settlement administration including but not limited to answering questions from aggrieved employees regarding their payment. (see Exhibit A)

13. My hourly rate for class/PAGA 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 **\$38,016.50** (54.70 hours x \$695.00).

14. 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 December 8, 2024 in Glendale, California.

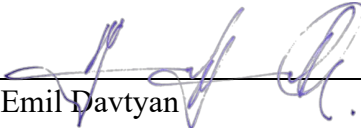

Emil Davtyan

EXHIBIT A

Exhibit A
Emil Davtyan Declaration

Date	Hours	Description
7/14/20	2.00	Interview client
7/14/20	4.30	Review documents received from Client
7/20/20	3.50	Review additional documents received from Client
8/26/20	1.40	Review additional documents received from Client
10/1/20	3.10	Research defendant
2/5/21	5.70	Draft legal memo
2/15/21	2.30	Review draft of letter to LWDA
8/10/21	1.50	Review answer to complaint from defendant
2/4/22	3.20	Review discovery responses from defendant
9/15/22	2.00	Review Defendant's motion to sever the putative class
11/14/22	1.50	Review Defendant's reply in support of motion to sever the putative class
2/3/23	3.70	Review Memorandum of Understanding
4/17/23	6.50	Review settlement agreement
5/19/23	2.50	Draft declaration in support of motion for preliminary approval
1/5/24	2.00	Review tentative ruling granting preliminary approval
1/16/24	1.50	Review order granting preliminary approval
9/19/24	0.70	Review order modifying preliminary approval
12/8/24	2.30	Draft declaration in support of motion for final approval
n/a	5.00	(estimated) Post-final approval administration of settlement

TOTAL 54.70