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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF FRESNO

JOSE ERNESTO LUCAS, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

SW INGREDIENTS HOLDINGS, LLC, a
Delaware limited liability company; SPICE
WORLD INC., a Florida corporation; SPICE
WORLD, LLC, a Florida limited liability
company; and DOES 1 through 10, inclusive,

Defendants

Lead Case No. 21CECG01943
(Consolidated with cases 21CECG03840,
22CECG00586)

[Assigned to Hon. Jonathan Skiles, Dept. 403]

**CONSOLIDATED CLASS AND
REPRESENTATIVE ACTION**

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

Date: July 11, 2024

Time: 3:30 p.m.

Dept. 403

Judge: Jonathan Skiles

JOSE MAGALLAN, on behalf of himself and all
others similarly situated,

Plaintiff,
vs.

SW INGREDIENTS HOLDINGS, LLC d/b/a
SPICE WORLD, INC., a Delaware Limited
Liability Company; and DOES 1 Through 10,
inclusive,

Defendants.

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DECLARATION OF EMIL DAVTYAN

I, Emil Davtyan, declare as follows:

1. I am an attorney licensed and admitted to practice law in California. Along with COHELAN KHOURY & SINGER and MOON LAW GROUP, I am co-counsel for the class action Plaintiffs ("Plaintiff") in their action against Defendants. 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 D.Law, Inc. (formerly known as Davtyan Law Firm) in Glendale, California.

3. 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.

4. 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.

5. 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.

6. 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,

1 17CV316492), *Jones Tharpe et al. v. Sprint Corporation et al.* (Superior Court of California
2 in Los Angeles, BC644645), *Ortega et al. v. Nestle Waters North America, Inc. et al.*
3 (Superior Court of California in Los Angeles, BC623610), *Schultz v. Jimbo's Natural Family,*
4 *Inc.* (Superior Court of California in San Diego, 37-2017-00022348-CUE-OE-CTL), *Ambrose*
5 *v. Victor Valley Global et al.* (Superior Court of California in San Bernardino,
6 CIVDS1709289), *Puerta-Gildardo v. Real Time Staffing Services LLC et al.* (Superior Court
7 of California in Los Angeles, BC565445), *Vargo v. Pregis Innovative Packaging LLC*
8 (Superior Court of California in Tulare, 270836), *Conlin v. Aegis Senior Communities LLC*
9 (Northern District of California, 17-cv-05534-LHK), *Galarza v. Kloeckner Metals*
10 *Corporation* (Central District of California, 2:17-cv-04910- FMO), *Estes v. L3 Technologies,*
11 *Inc. et al.* (Southern District of California, 3:17-cv-02356-H-JMA), *Rowser v. Trunk Club,*
12 *Inc.* (Central District of California, 2:17-cv-05064-DSF-RAO), *Leach v. The Claremont*
13 *Colleges, Inc.* (Superior Court of California in Los Angeles, BC686451), *Vaesau v. PCT*
14 *Enterprises, Inc. dba Precision Cabinets* (Superior Court of California, County of Contra
15 Costa MSC18-02404), *Terry v. TF Louderback, Inc. dba Bay Area Beverage Company*
16 (Superior Court of the State of California, County of Contra Costa, MSC18-00859), *Roach v.*
17 *Westcare California, Inc.* (Superior Court of California in Kern County, BCV-17-102367-
18 SDS), *Patton v. Church & Dwight Co., Inc.* (Central District of California, EDCV 18-903-
19 MWF (KKx)), *Juarez v. ISL Employees, Inc.* (Superior Court of California in Madera,
20 MCV074787), *Ferraro v. USC Verdugo Hills Hospital, et al.* (Superior Court of California in
21 Los Angeles, 18STCV09463), *Ford v. Account Control Technology, Inc., et al.* (Superior
22 Court of California in Los Angeles, 19STCV09369), *Ornelas v. iStorage, et al.* (Superior
23 Court of California in San Francisco, CGC-18-571421), *Martinez v. Ronpak, Inc.* (Superior
24 Court of California in Riverside, RIC1901307), *Barrera et al. v. Exclusive Wireless, Inc.*
25 (Superior Court of California in Stanislaus, 9000687), *Barajas v. Mancha Development*
26 *Company LLC* (Superior Court of California in Orange County, 30-2018-00974707-CU-OE-
27 CXC), *Prado v. IMAX Corporation dba IMAC Worldwide Home* (Superior Court of
28 California in San Bernardino, CIVDS1820265), *Rodriguez v. ND Industries, Inc.* (Superior

1 Court of California in Los Angeles, 19STCV38096), *Singletary v. Motel 6 Operating LP, et*
2 *al.* (Southern District of California, 3:20-cv-0270-LAB-AHG), *Quizon v. CF Watsonville*
3 *East, LLC, et al.* (Superior Court of California in Santa Cruz, 20CV01868), *Stephenson v.*
4 *Bakersfield Dodge, Inc.* (Superior Court of California in Kern, BCV-20-102693), *Bacerra v.*
5 *Hugo Boss Retail, Inc.* (Superior Court of California in San Diego, 37-2021-00002933-CU-
6 OE-CTL), *Walker v. Ariat International, Inc.* (Superior Court of California in Alameda,
7 HG19026439), *Orr v. Petvet Care Centers (California) Inc.* (Superior Court of California in
8 Santa Clara, 19CV354063), *Jimenez v. OEC Distribution Services, Inc.* (Superior Court of
9 California in San Bernardino, CIVDS1915743), *Virdi v. Absolute Security International*
10 (Superior Court of California in San Bernardino, CIVDS 1909589), *Raj v. First Transit, Inc.*
11 (Superior Court of California in Sacramento, 34-2021- 00295895-CU-OE-GDS), *Marchbanks*
12 *v. Torrid Administration, Inc.* (Superior Court of California in San Diego, 37-2020-
13 00008179-CU-OE-NC), *Taylor v. Populus Group, LLC* (Southern District of California, 3:20-
14 cv-00473-BAS-BLM), *Wilkerson v. Intuit, Inc.* (Superior Court of California in San Diego,
15 37-2020-00030371-CU-OE-CTL, among others.

16 7. In addition, my office has been counsel of record in a number of pending wage and
17 hour Class/PAGA action lawsuits, including, *Moriana v. Viking River Cruises* (Superior Court
18 of California in Los Angeles, BC 687325), *Trevino v. Golden State FC LLC et al.* (Eastern
19 District of California, 1:18-cv-00120-DAD (BAM)), *Garcia v. Statewide Traffic Safety and*
20 *Signs, Inc.* (Superior Court of California in Orange County, 30-2018-01011814-CU-OE-CXC),
21 *Arellano v. Lopez & Arteaga, Inc. et al.* (Superior Court of California in Santa Clara,
22 17CV313029), *Cruz v. Talentscale LLC* (Superior Court of California in Riverside County,
23 RIC1821842), *Tolbert v. Northbay Healthcare Corporation* (Superior Court of California in
24 Solano County, FCS051565), *Cruz v. Dignity Health dba Bruceville Terrace* (Superior Court of
25 California in Sacramento County, 34-2018-00245506), *Limon v. Circle K Stores, Inc.* (Eastern
26 District of California, 18-cv-01689-LJO-SKO), *Parra, et al. vs. Trinity Services Group, Inc.*
27 (Superior Court of California in Kern, JCCP5155), *Hernandez v. Clark Pacific* (Superior Court
28

1 of California in Yolo, CV-2019-644), *Gomez v. The Regents of the University of California et*
2 *al.* (Superior Court of California in San Diego, 37-2019-00030873-CU-OE-CTL), *Larson v.*
3 *Mark Twain Medical Center* (Superior Court of California in Calaveras, 19CV44062) *Girard v.*
4 *Office Depot Inc.* (Superior Court of California in Santa Clara, 19CV351584), *Johnson v.*
5 *Bakersfield Memorial Hospital, et al.* (Superior Court of California in Kern BCV-19-102016),
6 *Higginbotham et al. v. South East Employee Leasing Services* (Eastern District of California,
7 2:20-CV-00575-KJM-DB) *Bailon v. LAFC Sports LLC* (Superior Court of California in Los
8 Angeles, 19STCV29518), *Hutchinson v. G6 Hospitality LLC dba Motel 6* (Southern District of
9 California, 3:20-cv-00270-LAB-AHG), *Powell v. St. Joseph Medical Center* (Superior Court of
10 California in San Joaquin, STK-CV-UOE-2019-0011155), *Jones v. Summit Therapeutics*
11 *Services Inc.* (Superior Court of California in Santa Clara, 19CV353991), *Barksdale v. UC*
12 *Davis Medical Center* (Superior Court of California in Sacramento, 00269829), *Springstead v.*
13 *Recovery Innovations Inc., et al.* (Superior Court of California in San Diego, 37-2020-
14 00001555-CU-OECTL), *Oceana v. Tri-City Medical Center* (Superior Court of California in
15 San Diego, 37-2019-65323-CU-OE-CTL), *Maldonado v. Sit 'N Sleep, Inc.* (Superior Court of
16 California in Los Angeles, 19STCV41237), *Taylor v. Populus Group, LLC* (Southern District
17 of California, 3:20-cv-00473-BAS-BLM), *Lim v. Seafood City, et al.* (Superior Court of
18 California in Alameda, RG20066777), *Harisis v. Starbucks Corporation* (Superior Court of
19 California in Los Angeles, 20STCV11290), *Battle v. Safran Cabin* (Superior Court of California
20 in Orange, 30-2020-01140831-CU-OE-CXC), *Smith v. Noia Residential Services, Inc.* (Superior
21 Court of California in Fresno, 20CECG01820), *Diaz v. Recon 360, LLC* (Superior Court of
22 California in Santa Clara, 20CV370603), *Rivas v. 8x8, Inc.* (Superior Court of California in
23 Santa Clara, 20cv374192), *Compton v. Broadbase, Inc.* (Superior Court of California in
24 Sacramento, 34-2020-00285501-CU-OE-GDS), *Marden v. CVS Pharmacy, Inc., et al.* (Superior
25 Court of California in Placer, S-CV-0045902), *Godwin v. St. Mary Medical Center Foundation,*
26 *et al.* (Superior Court of California in Los Angeles, 20STCV45671), *Tabera v. St. Elizabeth*
27 *Community Hospital, et al.* (Superior Court of California in San Francisco, CGC-21-589691),
28 *Morgan v. Candid Care Co.* (Superior Court of California in San Francisco, 3:21-cv-01748-

1 JSC), *Richardson v. Pegasus Aviation Services, LLC* (Superior Court of California in San
2 Mateo, 21-CIV-00292), *Newsome v. Graybar Electric Company, Inc.* (Northern District of
3 California, 4:21cv1000), *Terronez v. ST. JOHN'S Regional Medical Center, et al.* (Superior
4 Court of California in Ventura, 56-2021-00551166-CU-OE-VTA), *Butler v. PowerSchool*
5 *Group, LLC* (Superior Court of California in Sacramento, 34-2021-00303458), *Dale v. PCC*
6 *Structurals Inc., et al.* (Superior Court of California in Alameda, RG21102183), *Horowitz v.*
7 *Sky West Airlines* (Northern District of California, 3:21-cv-04674-MMC), *Castillo v. Harmony*
8 *Foods, LLC et al.* (Superior Court of California in Santa Cruz, 21CV00961), *Martin v. Air*
9 *International US Inc.* (Superior Court of California in Alameda, RG21098764), *Ziperman v.*
10 *Parkway Motorcars Valencia Inc., et al.* (Superior Court of California in Los Angeles,
11 21STCV31959), *Amiri v. Grewal Foods OC Sub, Inc. dba Subway* (Superior Court of California
12 in Los Angeles, 21STCV20426), *Valenzuela v. Network Medical Management, Inc.* (Superior
13 Court of California in Los Angeles, 21STCV39548), *Miles v. Chico Produce Inc.* (Superior
14 Court of California in Sacramento, 00301881), *Hoelzel v. Starbucks* (Superior Court of
15 California in Los Angeles, 21STCV37838), *Randle- Tatum v. Hopdoddy Burger Bar, Inc.*
16 (Superior Court of California in Los Angeles, 21STCV21015), *Turner v. Smithfield*
17 *Distribution, LLC* (Superior Court of California in Los Angeles, 21STCV23414), *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 8. Although I am experienced in employment and class action matters, I
4 associated in as co-counsel on this case with COHELAN KHOURY & SINGER and MOON
5 LAW GROUP, who have a great deal of experience in wage and hour class action
6 employment cases, and together our firms have and will continue to aggressively and
7 competently represent the named plaintiff and putative class members in this case.

8 9. 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 Discovery included informal discovery provided for the purpose of the mediation. Plaintiffs
11 conducted investigations into Defendant's policies and practices and reviewed and analyzed
12 documents produced by Defendant. Defendant also informally produced documents and
13 information necessary to calculate damage models prior to attending mediation. The parties
14 thoroughly investigated the claims and exchanged extensive information regarding the claims
15 prior to negotiating a settlement in this case. The parties attended a mediation session before
16 reaching a settlement subject to court approval.

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

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

26 12. In my opinion, based on my experience as outlined above, the settlement is
27 fair, reasonable, and adequate and should receive this Court's final approval.
28

Fees My Office Has Incurred

13. By the time this case is fully administered, I will have spent more than 60.0 hours on this matter. The hours spent to date total 55.0 hours (excluding estimated 5.0 hours of post-final approval administration of the settlement), which consist of the following:

- a. 18.5 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. 14.5 hours related to litigation, excluding hours related to settlement and approval of the settlement; (see Exhibit A)
- c. 22.0 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)

14. 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 **\$41,700.00** (60.0 hours x \$695.00).

15. 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 June 14, 2024 in Glendale, California

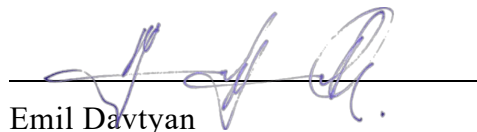

Emil Davtyan

EXHIBIT A

Exhibit A
(Davtyan Declaration)

Date	Hours	Description
4/14/21	2.0	Interview client
4/15/21	1.5	Review docs from client
4/16/21	1.0	Review additional docs from client
4/21/21	3.5	Review additional docs from client
4/28/21	2.0	Review additional docs from client
4/29/21	2.0	Research defendant
6/1/21	6.5	Draft legal memo
3/7/22	3.5	Review answer to original complaint
3/16/22	2.0	Review JPA
3/24/22	5.5	Review consolidated complaint
4/13/22	3.5	Review answer to complaint
10/12/22	2.0	Review draft of MOU
1/4/23	7.5	Review long form settlement agreement
3/22/23	4.5	Draft declaration in support of PA motion
5/5/23	3.5	Review tentative PA denial order
6/13/24	4.5	Draft declaration in support of FA motion
n/a	5.0	(estimate) Post-FA Administration
TOTAL:	60.0	