

MOON & YANG, APC

Kane Moon (SBN 249834)

E-mail: kane.moon@moonyanglaw.com

Allen Feghali (SBN 301080)

E-mail: allen.feghali@moonyanglaw.com

Brett Gunther (SBN 306448)

E-mail: brett.gunther@moonyanglaw.com

Sohyun Julie Oh (SBN 341157)

E-mail: julie.oh@moonyanglaw.com

1055 W. Seventh St., Suite 1880

Los Angeles, California 90017

Telephone: (213) 232-3128

Facsimile: (213) 232-3125

Attorneys for Plaintiff Jose Ernesto Lucas

Additional counsel listed on following page

**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 PRELIMINARY
APPROVAL**

Date: May 11, 2023

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.

COHELAN KHOURY & SINGER

Isam C. Khoury (SBN 58759)

E-mail: ikhoury@ckslaw.com

Michael D. Singer (SBN 115301)

E-mail: msigner@ckslaw.com

Rosemary C. Khoury (SBN 331307)

E-mail: rkhoury@ckslaw.com

605 C Street, Suite 200

San Diego, California 92101

Telephone: (619) 595-3001

Facsimile: (619) 595-3000

DAVTYAN LAW FIRM, INC.

Emil Davtyan (SBN 299363)

E-mail: support@davtyanlaw.com

400 N. Brand Blvd, Suite 700

Glendale, California 91203

Telephone: (818) 875-2008

Facsimile: (818) 722-3974

Attorneys for Plaintiff Jose Magallan

1 I, Emil Davtyan, declare:

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 with
4 named Plaintiff Racquel Oceana and have personal knowledge of the facts thereto. If called as a
5 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 Southwestern
8 Law School in 2014 in the top 10% of my class. I am the founder and currently the managing attorney
9 at Davtyan Law Firm in Glendale, California.

10 3. My legal experience since becoming a member of the California State Bar has been
11 exclusively devoted to the practice of California and federal employment law. My office almost
12 exclusively represents plaintiffs in wage and hour actions with the same or similar causes of actions
13 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 of
16 tens of thousands of class members.

17 5. I have been actively participating in the prosecution and successful settlement of
18 multiple wage and hour class action lawsuits, helping to recover wages and penalties on behalf of
19 tens of thousands of class members. My office has been appointed as Class/PAGA Counsel in
20 numerous class/PAGA actions, including De La Rosa v. The Coca Cola Company et al. (Superior
21 Court of California in Napa, 17CV000787), Harvey v. Bed Bath & Beyond of California Limited
22 Liability Company (Superior Court of California in Alameda, RG17885153), Paredes v. Bottling
23 Group LLC et. al. (Superior Court of California in Kern), Ramirez v. Harris Ranch Beef Company
24 (Superior Court of California in Fresno, 16CECG04103), Gates v. Gate Gourmet, Inc. et. al.
25 (Southern District of California, 16-cv-01084-L-AGS), Hargrave v. Antelope Valley Hospital
26 (Superior Court of California in Los Angeles, BC663252), Ramirez v. Milton Roy et. al. (Superior
27 Court of California in Los Angeles, BC 632 276), Hawkins v. AvalonBay Communities (Superior
28 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 California in Los Angeles, 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 Hill s 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),

1 Stephenson v. Bakersfield Dodge, Inc. (Superior Court of California in Kern, BCV-20-102693),
2 Bacerra v. Hugo Boss Retail, Inc. (Superior Court of California in San Diego, 37-2021-00002933-
3 CU-OE-CTL), Walker v. Ariat International, Inc. (Superior Court of California in Alameda,
4 HG19026439), Orr v. Petvet Care Centers (California) Inc. (Superior Court of California in Santa
5 Clara, 19CV354063), Jimenez v. OEC Distribution Services, Inc. (Superior Court of California in
6 San Bernardino, CIVDS1915743), Viridi v. Absolute Security International (Superior Court of
7 California in San Bernardino, CIVDS 1909589), Raj v. First Transit, Inc (Superior Court of
8 California in Sacramento, 34-2021-00295895-CU-OE-GDS), Marchbanks v. Torrid Administration,
9 Inc. (Superior Court of California in San Diego, 37-2020-00008179-CU-OE-NC), among others.

10 6. My office has been counsel of record in a number of pending wage and hour
11 class/PAGA action lawsuits, including Trevino v. Golden State FC LLC et al. (Eastern District of
12 California, 1:18-cv-00120-DAD (BAM)), Moriana v. Viking River Cruises (Superior Court of
13 California in Los Angeles, BC 687325), Garcia v. Statewide Traffic Safety and Signs, Inc. (Superior
14 Court of California in Orange County, 30-2018-01011814-CU-OE-CXC), Arellano v. Lopez &
15 Arteaga, Inc. et al. (Superior Court of California in Santa Clara, 17CV313029), Cummings v. Eureka
16 Restaurant Group LLC (Superior Court of California in Santa Barbara, 18CV000849), Cruz v.
17 Talentscale LLC (Superior Court of California in Riverside County, RIC1821842), Tolbert v.
18 Northbay Healthcare Corporation (Superior Court of California in Solano County, FCS051565),
19 Cruz v. Dignity Health dba Bruceville Terrace (Superior Court of California in Sacramento County,
20 34-2018-00245506), Limon v. Circle K Stores, Inc. (Eastern District of California, 18-cv-01689-
21 LJO-SKO), Parra, et al. vs. Trinity Services Group, Inc. (Superior Court of California in Kern,
22 JCCP5155), Hernandez v. Clark Pacific (Superior Court of California in Yolo, CV-2019-644),
23 Gomez v. The Regents of the University of California et al. (Superior Court of California in San
24 Diego, 37-2019-00030873-CU-OE-CTL), Larson v. Mark Twain Medical Center (Superior Court of
25 California in Calaveras, 19CV44062) Girard v. Office Depot Inc., (Superior Court of California in
26 Santa Clara, 19CV351584), Johnson v. Bakersfield Memorial Hospital, et al. (Superior Court of
27 California in Kern BCV-19-102016), Higginbotham et al. v. South East Employee Leasing Services
28 (Eastern District of California, 2:20-CV-00575-KJM-DB) Bailon v. LAFC Sports LLC (Superior

1 Court of California in Los Angeles, 19STCV29518), Hutchinson v. G6 Hospitality LLC dba Motel
2 6 (Southern District of California, 3:20-cv-00270-LAB-AHG), Powell v. St. Joseph Medical Center
3 (Superior Court of California in San Joaquin, STK-CV-UOE-2019-0011155), Jones v. Summit
4 Therapeutics Services Inc. (Superior Court of California in Santa Clara, 19CV353991), Barksdale v.
5 UC Davis Medical Center (Superior Court of California in Sacramento, 00269829), Springstead v.
6 Recovery Innovations Inc., et al. (Superior Court of California in San Diego, 37-2020-00001555-
7 CU-OE-CTL), Oceana v. Tri-City Medical Center (Superior Court of California in San Diego, 37-
8 2019-65323-CU-OE-CTL), Maldonado v. Sit 'N Sleep, Inc. (Superior Court of California in Los
9 Angeles, 19STCV41237), Taylor v. Populus Group, LLC (Southern District of California, 3:20-cv-
10 00473-BAS-BLM), Lim v. Seafood City, et al. (Superior Court of California in Alameda,
11 RG20066777), Harisis v. Starbucks Corporation (Superior Court of California in Los Angeles,
12 20STCV11290), Battle v. Safran Cabin (Superior Court of California in Orange, 30-2020-01140831-
13 CU-OE-CXC), Smith v. Noia Residential Services, Inc. (Superior Court of California in Fresno,
14 20CECG01820), Diaz v. Recon 360, LLC (Superior Court of California in Santa Clara,
15 20CV370603), Rivas v. 8x8, Inc. (Superior Court of California in Santa Clara, 20cv374192),
16 Compton v. Broadbase, Inc. (Superior Court of California in Sacramento, 34-2020-00285501-CU-
17 OE-GDS), Marden v. CVS Pharmacy, Inc., et al. (Superior Court of California in Placer, S-CV-
18 0045902), Godwin v. St. Mary Medical Center Foundation, et al. (Superior Court of California in
19 Los Angeles, 20STCV45671), Tabera v. St. Elizabeth Community Hospital, et al. (Superior Court
20 of California in San Francisco, CGC-21-589691), Morgan v. Candid Care Co. (Superior Court of
21 California in San Francisco, 3:21-cv-01748-JSC), Richardson v. Pegasus Aviation Services, LLC
22 (Superior Court of California in San Mateo, 21-CIV-00292), Newsome v. Graybar Electric
23 Company, Inc. (Northern District of California, 4:21cv1000), Terronez v. ST. JOHN'S Regional
24 Medical Center, et. al. (Superior Court of California in Ventura, 56-2021-00551166-CU-OE-VTA),
25 Butler v. PowerSchool Group, LLC (Superior Court of California in Sacramento, 34-2021-
26 00303458), Dale v. PCC Structurals Inc., et. al. (Superior Court of California in Alameda,
27 RG21102183), Horowitz v. Sky West Airlines (Northern District of California, 3:21-cv-04674-
28 MMC), Castillo v. Harmony Foods, LLC et. al. (Superior Court of California in Santa Cruz,

21CV00961), Wightman v. Cobham Advanced Electronic Solutions, Inc. (Superior Court of 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), 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), Wilkerson v. Intuit, Inc. (Superior Court of California in San Diego, 37-2020-00030371-CU-OE-CTL), 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. In light of the foregoing, I am qualified to act as co-Class Counsel in this matter and fully support the proposed Settlement.

9. I am not aware of any other pending matter or action asserting claims that will be extinguished or adversely affected by the Settlement.

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

Executed on March 22, 2023 in Glendale, California


Emil Davtyan