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Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

PATRICIA O'CONNOR and STEVEN
RODRIGUEZ, as individuals and on behalf of all
others similarly situated,

Plaintiffs,

vs.

WHOLE FOODS MARKET CALIFORNIA,
INC., a California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No. 22CV008620

[Hon. Evelio Grillo, Department 21]

**DECLARATION OF EMIL DAVTYAN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: January 5, 2024
Time: 9:00 a.m.
Department: 21

Reservation ID: 047642299369

Complaint Filed: March 18, 2022

1 I, Emil Davtyan, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and am co-counsel of
3 record for Plaintiffs. I make this declaration on the basis of my own personal knowledge, except as to
4 those matters stated on information and belief and, as to those matters, I believe them to be true. If called
5 as a witness, I could testify competently as to the facts stated in this declaration.

6 2. I graduated from the Woodbury University in 2008 with a Bachelor's degree in Business
7 Finance with highest honors, as the top student in my class. I graduated from Southwestern Law School
8 in 2014 in the top 10% of my class. I am currently the managing attorney at the law firm of D.Law, Inc.
9 (formerly known as Davtyan Law Firm, Inc.) 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 multiple
15 wage and hour class and PAGA actions, helping to recover wages and penalties on behalf of tens of
16 thousands of class members.

17 5. My office has been appointed as Class/PAGA Counsel in numerous class/PAGA actions,
18 including De La Rosa v. The Coca Cola Company et al. (Superior Court of California in Napa,
19 17CV000787), Harvey v. Bed Bath & Beyond of California Limited Liability Company (Superior Court
20 of California in Alameda, RG17885153), Paredes v. Bottling Group LLC et. al. (Superior Court of
21 California in Kern), Ramirez v. Harris Ranch Beef Company (Superior Court of California in Fresno,
22 16CECG04103), Gates v. Gate Gourmet, Inc. et. al. (Southern District of California, 16-cv-01084-L-
23 AGS), Hargrave v. Antelope Valley Hospital (Superior Court of California in Los Angeles, BC663252),
24 Ramirez v. Milton Roy et. al. (Superior Court of California in Los Angeles, BC 632 276), Hawkins v.
25 AvalonBay Communities (Superior Court of California in Santa Clara, 17CV316492), Jones Tharpe et
26 al. v. Sprint 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, BC623610),
28 Schultz v. Jimbo's Natural Family, Inc. (Superior Court of California in San Diego, 37-2017-00022348-

1 CUE-OE-CTL), Ambrose v. Victor Valley Global et al. (Superior Court of California in San Bernardino,
2 CIVDS1709289), Puerta-Gildardo v. Real Time Staffing Services LLC et. al. (Superior Court of
3 California in Los Angeles, BC565445), Vargo v. Pregis Innovative Packaging LLC (Superior Court of
4 California in Tulare, 270836), Conlin v. Aegis Senior Communities LLC (Northern District of
5 California, 17-cv-05534-LHK), Galarza v. Kloeckner Metals Corporation (Central District of California,
6 2:17-cv-04910-FMO), Estes v. L3 Technologies, Inc. et al. (Southern District of California, 3:17-cv-
7 02356-H-JMA), Rowser v. Trunk Club, Inc. (Central District of California, 2:17-cv-05064-DSF-RAO),
8 Leach v. The Claremont Colleges, Inc. (Superior Court of California in Los Angeles, BC686451),
9 Vaesau v. PCT Enterprises, Inc. dba Precision Cabinets (Superior Court of California, County of Contra
10 Costa MSC18-02404), Terry v. TF Louderback, Inc. dba Bay Area Beverage Company (Superior Court
11 of the State of California, County of Contra Costa, MSC18-00859), Roach v. Westcare California, Inc.
12 (Superior Court of California in Kern County, BCV-17-102367-SDS), Patton v. Church & Dwight Co.,
13 Inc. (Central District of California, EDCV 18-903-MWF (KKx)), Juarez v. ISL Employees, Inc.
14 (Superior Court of California in Madera, MCV074787), Ferraro v. USC Verdugo Hill s Hospital, et al.
15 (Superior Court of California in Los Angeles, 18STCV09463), Ford v. Account Control Technology,
16 Inc., et al. (Superior Court of California in Los Angeles, 19STCV09369), Ornelas v. iStorage, et al.
17 (Superior Court of California in San Francisco, CGC-18-571421), Martinez v. Ronpak, Inc. (Superior
18 Court of California in Riverside, RIC1901307), Barrera et al. v. Exclusive Wireless, Inc. (Superior Court
19 of California in Stanislaus, 9000687), Barajas v. Mancha Development Company LLC (Superior Court
20 of California in Orange County, 30-2018-00974707-CU-OE-CXC), Prado v. IMAX Corporation dba
21 IMAC Worldwide Home (Superior Court of California in San Bernardino, CIVDS1820265), Rodriguez
22 v. ND Industries, Inc. (Superior Court of California in Los Angeles, 19STCV38096), Singletary v.
23 Motel 6 Operating LP, et al. (Southern District of California, 3:20-cv-0270-LAB-AHG), Quizon v. CF
24 Watsonville East, LLC, et al. (Superior Court of California in Santa Cruz, 20CV01868), Stephenson v.
25 Bakersfield Dodge, Inc. (Superior Court of California in Kern, BCV-20-102693), Bacerra v. Hugo Boss
26 Retail, Inc. (Superior Court of California in San Diego, 37-2021-00002933-CU-OE-CTL), Walker v.
27 Ariat International, Inc. (Superior Court of California in Alameda, HG19026439), Orr v. Petvet Care
28 Centers (California) Inc. (Superior Court of California in Santa Clara, 19CV354063), Jimenez v. OEC

1 Distribution Services, Inc. (Superior Court of California in San Bernardino, CIVDS1915743), Viridi v.
2 Absolute Security International (Superior Court of California in San Bernardino, CIVDS 1909589), Raj
3 v. First Transit, Inc (Superior Court of California in Sacramento, 34-2021-00295895-CU-OE-GDS),
4 Marchbanks v. Torrid Administration, Inc. (Superior Court of California in San Diego, 37-2020-
5 00008179-CU-OE-NC), among others.

6 6. In addition, my office has been counsel of record in a number of pending wage and hour
7 class/PAGA action lawsuits, including Moriana v. Viking River Cruises (Superior Court of California in
8 Los Angeles, BC 687325), Trevino v. Golden State FC LLC et al. (Eastern District of California, 1:18-
9 cv-00120-DAD (BAM)), Garcia v. Statewide Traffic Safety and Signs, Inc. (Superior Court of
10 California in Orange County, 30-2018-01011814-CU-OE-CXC), Arellano v. Lopez & Arteaga, Inc. et
11 al. (Superior Court of California in Santa Clara, 17CV313029), Cummings v. Eureka Restaurant Group
12 LLC (Superior Court of California in Santa Barbara, 18CV000849), Cruz v. Talentscale LLC (Superior
13 Court of California in Riverside County, RIC1821842), Tolbert v. Northbay Healthcare Corporation
14 (Superior Court of California in Solano County, FCS051565), Cruz v. Dignity Health dba Bruceville
15 Terrace (Superior Court of California in Sacramento County, 34-2018-00245506), Limon v. Circle K
16 Stores, Inc. (Eastern District of California, 18-cv-01689-LJO-SKO), Parra, et al. vs. Trinity Services
17 Group, Inc. (Superior Court of California in Kern, JCCP5155), Hernandez v. Clark Pacific (Superior
18 Court of California in Yolo, CV-2019-644), Gomez v. The Regents of the University of California et al.
19 (Superior Court of California in San Diego, 37-2019-00030873-CU-OE-CTL), Larson v. Mark Twain
20 Medical Center (Superior Court of California in Calaveras, 19CV44062) Girard v. Office Depot Inc.,
21 (Superior Court of California in Santa Clara, 19CV351584), Johnson v. Bakersfield Memorial Hospital,
22 et al. (Superior Court of California in Kern BCV-19-102016), Higginbotham et al. v. South East
23 Employee Leasing Services (Eastern District of California, 2:20-CV-00575-KJM-DB) Bailon v. LAFC
24 Sports LLC (Superior Court of California in Los Angeles, 19STCV29518), Hutchinson v. G6
25 Hospitality LLC dba Motel 6 (Southern District of California, 3:20-cv-00270-LAB-AHG), Powell v. St.
26 Joseph Medical Center (Superior Court of California in San Joaquin, STK-CV-UOE-2019-0011155),
27 Jones v. Summit Therapeutics Services Inc. (Superior Court of California in Santa Clara, 19CV353991),
28 Barksdale v. UC Davis Medical Center (Superior Court of California in Sacramento, 00269829),

1 Springstead v. Recovery Innovations Inc., et al. (Superior Court of California in San Diego, 37-2020-
2 00001555-CU-OE-CTL), Oceana v. Tri-City Medical Center (Superior Court of California in San
3 Diego, 37-2019-65323-CU-OE-CTL), Maldonado v. Sit 'N Sleep, Inc. (Superior Court of California in
4 Los Angeles, 19STCV41237), Taylor v. Populus Group, LLC (Southern District of California, 3:20-cv-
5 00473-BAS-BLM), Lim v. Seafood City, et al. (Superior Court of California in Alameda,
6 RG20066777), Harisis v. Starbucks Corporation (Superior Court of California in Los Angeles,
7 20STCV11290), Battle v. Safran Cabin (Superior Court of California in Orange, 30-2020-01140831-
8 CU-OE-CXC), Smith v. Noia Residential Services, Inc. (Superior Court of California in Fresno,
9 20CECG01820), Diaz v. Recon 360, LLC (Superior Court of California in Santa Clara, 20CV370603),
10 Rivas v. 8x8, Inc. (Superior Court of California in Santa Clara, 20cv374192), Compton v. Broadbase,
11 Inc. (Superior Court of California in Sacramento, 34-2020-00285501-CU-OE-GDS), Marden v. CVS
12 Pharmacy, Inc., et al. (Superior Court of California in Placer, S-CV-0045902), Godwin v. St. Mary
13 Medical Center Foundation, et al. (Superior Court of California in Los Angeles, 20STCV45671), Tabera
14 v. St. Elizabeth Community Hospital, et al. (Superior Court of California in San Francisco, CGC-21-
15 589691), Morgan v. Candid Care Co. (Superior Court of California in San Francisco, 3:21-cv-01748-
16 JSC), Richardson v. Pegasus Aviation Services, LLC (Superior Court of California in San Mateo, 21-
17 CIV-00292), Newsome v. Graybar Electric Company, Inc. (Northern District of California,
18 4:21cv1000), Terronez v. ST. JOHN'S Regional Medical Center, et. al. (Superior Court of California in
19 Ventura, 56-2021-00551166-CU-OE-VTA), Dale v. PCC Structurals Inc., et. al. (Superior Court of
20 California in Alameda, RG21102183), Horowitz v. Sky West Airlines (Northern District of California,
21 3:21-cv-04674-MMC), Castillo v. Harmony Foods, LLC et. al. (Superior Court of California in Santa
22 Cruz, 21CV00961), Wightman v. Cobham Advanced Electronic Solutions, Inc. (Superior Court of
23 California in San Diego, 37-2021-00038124-CU-OE-CTL), Martin v. Air International US Inc.
24 (Superior Court of California in Alameda, RG21098764), Ziperman v. Parkway Motorcars Valencia
25 Inc., et. al. (Superior Court of California in Los Angeles, 21STCV31959), Amiri v. Grewal Foods OC
26 Sub, Inc. dba Subway (Superior Court of California in Los Angeles, 21STCV20426), Valenzuela v.
27 Network Medical Management, Inc. (Superior Court of California in Los Angeles, 21STCV39548),
28 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), 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), Wilkersonv. 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 class and PAGA actions, I associated in as co-counsel on this case with DIVERSITY LAW GROUP, P.C., which has a great deal of experience in wage and hour class and PAGA actions, and together our firms have and will continue to aggressively and competently represent the named plaintiffs 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 do not have any conflicts of interest with the designated cy pres recipient, Legal Aid at Work.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 12th day of December 2023, at Glendale, California.


Emil Davtyan