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8 Attorney for Plaintiff
9 GEORGE T. DAVIS

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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

13 GEORGE T. DAVIS,

14 Plaintiff,

15 v.

16 THE WAGS CLUB LLC., a California Limited
17 Liability Company; ABIRAMI DE SILVA, an
18 individual; YATHDEHI DE SILVA, an
19 individual; and DOES 1 through 20, inclusive,

20 Defendants.

Case No. 23STCV21623

**DECLARATION OF SARKIS
SIRMABEKIAN IN SUPPORT OF
PLAINTIFF GEORGE T. DAVIS'S
REQUEST FOR DISMISSAL OF HIS
INDIVIDUAL CLAIMS AGAINST
DEFENDANTS WITH PREJUDICE AND
WITHOUT PREJUDICE AS TO THE
CLASS CLAIMS PURSUANT TO CRC
3.770**

ASSIGNED FOR ALL PURPOSES TO
JUDGE TIMOTHY PATRICK DILLON,
DEPT. 73

Trial Date: N/A

Complaint Filed: September 8, 2023

DECLARATION OF SARKIS SIRMABEKIAN

I, Sarkis Sirmabekian, declare as follows:

1. I am an attorney duly licensed to practice before the courts of the State of California. I am a shareholder of the law firm SIRMABEKIAN LAW FIRM, PC, counsel for Plaintiff George T. Davis ("Plaintiff") in the above-captioned class action ("Action"). I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Pursuant to California Rules of Court, Rule 3.770, I submit this declaration in support of Plaintiff's request for dismissal of his individual claims against defendants THE WAGS CLUB LLC., ABIRAMI DE SILVA, and YATHDEHI DE SILVA ("Defendants") with prejudice and without prejudice as to the class action claims and representative non-individual claims for penalties pursuant to the Private Attorneys' General Act, Cal. Labor Code Section 2698 *et seq.* ("PAGA")

3. On or about September 08, 2023, Plaintiff initiated a civil class action titled *George T. Davis v. The Wags Club LLC, et al.*, Los Angeles Superior Court Case No. 23STCV21623, against Defendants alleging causes of action for: 1) violation of the Private Attorneys General Act of 2004 ("PAGA"); 2) failure to pay minimum wage; 3) failure to compensate for all hours worked; 4) failure to pay overtime compensation; 5) failure to pay rest period compensation; 6) failure to pay meal period compensation; 7) failure to furnish accurate wage and hour statements; 8) failure to pay wages upon discharge; 9) statutory penalties under Labor Code sections 203 and 558; 10) failure to indemnify and illegal deductions from wages; and 11) unfair competition ("Civil Action").

4. CRC, Rule 3.770(c) states that if the Court has not ruled on class certification, a party may be dismissed without notice to the class members if the Court finds that the dismissal will not prejudice them.

5. Here, Plaintiff has yet to move for class certification. No notice of this class action was ever disseminated to any putative class member or allegedly aggrieved employee either by Court order or by any action taken by Plaintiff. Plaintiff's counsel is unaware of any putative class member or allegedly aggrieved employee who refrained from bringing similar class or PAGA action allegations in reliance on the existence of this class action.

1 6. No putative class member will be prejudiced by a dismissal of the putative class claims
2 and non-individual representative PAGA claims in this Action without prejudice.

3 7. Except as set forth in the concurrently filed Joint Stipulation for Court Approval of
4 Individual Labor Code and PAGA Settlement and Dismissal of the Action; [Proposed] Order,
5 requesting dismissing of Plaintiff's individual Labor Code claims and individual claim for PAGA
6 penalties against Defendant with prejudice and without prejudice as to the representative class action
7 and representative PAGA claims against Defendants, no consideration for this dismissal has been
8 offered, given, or received.

9 8. Plaintiff has not received any consideration for the dismissal of class claims, direct or
10 indirect, other than as specified.

11 9. As such, Plaintiff respectfully requests that the Court enter the concurrently filed Joint
12 Stipulation for Court Approval of Individual Labor Code and PAGA Settlement and Dismissal of the
13 Action; [Proposed] Order to grant the voluntary dismissal of Plaintiff's individual claims against
14 Defendant with prejudice and without prejudice as to the putative class action claims and
15 representative PAGA claims.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct. Executed this 9th day of January 2025, in Los Angeles, California.

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Sarkis Sirmabekian

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PROOF OF SERVICE