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ELECTRONICALLY FILED

Superior Court of California

County of Marin

08/07/2025

James M. Kim, Clerk of the Court

By: J. Miller, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN**

ARBAK MKHITARYAN, individually, and on
behalf of other aggrieved employees pursuant to
the California Private Attorneys General Act;

Plaintiff,

vs.

NAUTILUS HYOSUNG AMERICA, INC., a
Delaware corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: CV0002545

Honorable Andrew E. Sweet
Department E

**DECLARATION OF ARBAK MKHITARYAN
IN SUPPORT OF PLAINTIFF'S MOTION FOR
APPROVAL OF PRIVATE ATTORNEYS
GENERAL ACT (CAL. LABOR CODE § 2698,
ET SEQ.) SETTLEMENT AGREEMENT AND
AWARD OF ATTORNEYS' FEES AND COSTS,
INDIVIDUAL RELEASE FEE, AND
SETTLEMENT ADMINISTRATION COSTS**

Reservation ID:

Date: 11/07/2025 _____, 2025

Time: 1:30 ____ p.m.

Department: E

Complaint Filed: April 12, 2024

Trial Date: None Set

DECLARATION OF ARBAK MKHITARYAN

I, **Arbak Mkhitarian**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named Plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Nautilus Hyosung America, Inc. ("Defendant") from approximately December 2022 to approximately June 2023 as a hourly paid, non-exempt Field Service Engineer. I decided to seek legal advice about my work experiences with Defendant and about pursuing my grievances. I contacted Lawyers *for* Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure Defendant was held accountable for what I perceived to be its practice of not properly compensating its employees for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I investigated representative action lawsuits on my own and did some research into the leading employment law firms in California. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for several hours discussing my situation, representative action lawsuits under the Private Attorney General Act ("PAGA"), and what it meant to bring a PAGA Action and be a PAGA representative.

3. I have spent many hours communicating with my attorneys regarding the case and fulfilling my responsibilities as a PAGA representative, which included gathering documents concerning my employment with Defendant reviewing documents with my attorneys, providing information regarding the duties of aggrieved employees, and helping develop a strategy as to what documents and information to obtain from Defendant. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained.

4. As the case progressed, I was available to answer any questions my attorneys had and was available to speak and meet with my attorneys whenever they needed me. I responded to them as quickly as possible and gave them as much information and identified as many documents as I could. I spent many hours speaking with my attorneys about the case, identifying potential witnesses, providing my attorneys with documents and information concerning the case, and also describing policies, practices, and procedures of Defendant.

5. As far as the settlement is concerned, I was available to review documents and answer any questions my attorneys had. I spent several hours reviewing the settlement agreement and asking questions and discussing the potential settlement with my attorneys before signing the settlement agreement.

6. I believe that I have done everything that my attorneys have asked of me and have tried, to the best of my ability, to seek relief for the aggrieved employees and the State of California. I think my efforts helped to get the result obtained in this case.

7. For my broader individual waiver and release of claims with a California Civil Code Section 1542 waiver (set forth in Section 8(b) of the Settlement Agreement), the Settlement provides for an Individual Release Fee in the amount of \$10,000.00, to be paid out of the Total Settlement Amount, subject to Court approval. I respectfully request that the Court award me full payment of the Individual Release Fee.

8. I am not related to anyone associated with Lawyers *for* Justice, PC.

9. I have not entered into any undisclosed agreements, nor have I received any undisclosed compensation in this case. With other counsel, I brought separate, non-wage claims against Defendant alleging wrongful termination and discrimination, which are the subject of a separate settlement agreement.

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

Executed on 08/07/2025, at San Rafael, California.

Electronically Signed: 2025-08-07 20:30:02 UTC - 73.158.234.66
Nintex AssureSign®  d62c8921-a70f-485f-8e74-b33201d4574e

Arbak Mkhitarian