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Attorneys for Plaintiff Angel Cuellar

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

ANGEL CUELLAR, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

NEW BERN TRANSPORT
CORPORATION, a Delaware Corporation;
PEPSI-COLA SALES AND
DISTRIBUTION, INC., a Delaware
Corporation; PEPSICO, INC., a North
Carolina Corporation; and Does 1-10,
Inclusive,

Defendants.

Case No. STK-CV-UOE-2024-0008803
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Robert T. Waters
Department 11B

CLASS ACTION

**DECLARATION OF EMIL DAVTYAN IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: September 17, 2026

Time: 9:00 a.m.

Dept.: 11B

Complaint filed: July 25, 2024

Trial Date: Not set

1 I, Emil Davtyan, declare as follows:

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
4 with named Plaintiff Angel Cuellar and have personal knowledge of the facts thereto. If called
5 as a 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
8 Southwestern Law School in 2014 in the top 10% of my class. I am currently the managing
9 attorney in D.Law, Inc. in Pasadena, California.

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

17 5. My office has been appointed as Class/PAGA Counsel in numerous Class/PAGA
18 actions, including, *De La Rosa v. The Coca Cola Company et al.* (Superior Court of California
19 in Napa, 17CV000787), *Harvey v. Bed Bath & Beyond of California Limited Liability Company*
20 (Superior Court of California in Alameda, RG17885153), *Ramirez v. Harris Ranch Beef*
21 *Company* (Superior Court of California in Fresno, 16CECG04103), *Gates v. Gate Gourmet, Inc.*
22 *et al.* (Southern District of California, 16-cv-01084-L-AGS), *Hargrave v. Antelope Valley*
23 *Hospital* (Superior Court of California in Los Angeles, BC663252), *Ramirez v. Milton Roy et al.*
24 (Superior Court of California in Los Angeles, BC 632276), *Hawkins v. AvalonBay Communities*
25 (Superior Court of California in Santa Clara, 17CV316492), *Jones Tharpe et al. v. Sprint*
26 *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,
28 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 Hills 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), *Stephenson v. Bakersfield Dodge, Inc.* (Superior Court of California in Kern, BCV-20-102693), *Bacerra v. Hugo Boss Retail, Inc.* (Superior Court of California in San

Diego, 37-2021-00002933-CU-OE-CTL), *Walker v. Ariat International, Inc.* (Superior Court of California in Alameda, HG19026439), *Orr v. Petvet Care Centers (California) Inc.* (Superior Court of California in Santa Clara, 19CV354063), *Jimenez v. OEC Distribution Services, Inc.* (Superior Court of California in San Bernardino, CIVDS1915743), *Virdi v. Absolute Security International* (Superior Court of California in San Bernardino, CIVDS 1909589), *Raj v. First Transit, Inc.* (Superior Court of California in Sacramento, 34-2021- 00295895-CU-OE-GDS), *Marchbanks v. Torrid Administration, Inc.* (Superior Court of California in San Diego, 37-2020-00008179-CU-OE-NC), among others.

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

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

1 MMC), *Castillo v. Harmony Foods, LLC et al.* (Superior Court of California in Santa Cruz,
2 21CV00961), *Wightman v. Cobham Advanced Electronic Solutions, Inc.* (Superior Court of
3 California in San Diego, 37-2021-00038124-CU-OE-CTL), *Martin v. Air International US Inc.*
4 (Superior Court of California in Alameda, RG21098764), *Ziperman v. Parkway Motorcars*
5 *Valencia Inc., et al.* (Superior Court of California in Los Angeles, 21STCV31959), *Amiri v.*
6 *Grewal Foods OC Sub, Inc. dba Subway* (Superior Court of California in Los Angeles,
7 21STCV20426), *Valenzuela v. Network Medical Management, Inc.* (Superior Court of
8 California in Los Angeles, 21STCV39548), *Miles v. Chico Produce Inc.* (Superior Court of
9 California in Sacramento, 00301881), *Hoelzel v. Starbucks* (Superior Court of California in Los
10 Angeles, 21STCV37838), *Randle- Tatum v. Hopdoddy Burger Bar, Inc.* (Superior Court of
11 California in Los Angeles, 21STCV21015), *Magallan v. SW Ingredients Holdings, LLC et al.*
12 (Superior Court of California in Fresno, 21CECG01943), *Turner v. Smithfield Distribution,*
13 *LLC* (Superior Court of California in Los Angeles, 21STCV23414), *Balabanoff v. Classic*
14 *Vacations, LLC, et al.* (Superior Court of California in Santa Clara, 21CV392334), *Martin v.*
15 *American Custom Private Security Inc.* (Superior Court of California in San Joaquin, STK-CV-
16 UOE-2021-8213), *Brito v. Brothers International Desserts Inc. et al.* (Superior Court of
17 California in Orange, 30-2022-01242515-CU-OE-CXC), *Chavis v. Grocery Outlet, Inc.*
18 (Superior Court of California in Sacramento, 34-2021-00309003-CU-OE-GDS), *Randall v. YRC*
19 *Inc., et al.* (Superior Court of California in San Bernardino, CIVSB2205968), *Carroll v. LA*
20 *Family Housing Corporation* (Superior Court of California in Los Angeles, 20STCV04474),
21 *Wilkerson v. Intuit, Inc.* (Superior Court of California in San Diego, 37-2020-00030371-CU-
22 OE-CTL), *Teer v. Sabert Corporation* (Superior Court of California in Riverside, RIC1905847),
23 *Felix v. Wm. Bolthouse Farms, Inc.* (Eastern District of California, 1:19-CV-00312-AWI-JLT),
24 *Soto v. O'Reilly Auto Enterprises, LLC* (Central District of California in Riverside, 5:20-cv-
25 00214-JGB-KK), *Kane v. Smithfield Direct, LLC* (Central District of California, 21-CV-04832
26 PA (JCx)), *North v. Jones Lang Lasalle Americas, Inc.* (Superior Court of California in San
27 Diego, 37-2019-00028271-CU-OE-CTL), among others.

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

11. My hourly rate for class/PAGA action work is \$1,235.00. The lodestar value of the time I will have devoted to this case by the time this case is fully administered is \$60,762.00 (49.20 hours x \$1,235.00).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 14, 2026 in Pasadena, California.

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