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Attorneys for Plaintiff Gregory Horowitz, on behalf of himself
and all others similarly situated and aggrieved

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

GREGORY HOROWITZ, on behalf of
himself and all others similarly situated

Plaintiff,

v.

SKYWEST AIRLINES, INC., a Utah
Corporation; and DOES 1 Through 10,
inclusive,

Defendants.

Case No. 21-CV-04674-MMC

REPRESENTATIVE ACTION

**DECLARATION OF EMIL DAVTYAN IN
SUPPORT OF PLAINTIFF’S
MOTION FOR APPROVAL OF
PRIVATE ATTORNEYS’ GENERAL ACT
(“PAGA”) SETTLEMENT**

Date: April 26, 2024

Time: 9:00 a.m.

Ctrm: 7

Judge: Hon. Maxine M. Chesney

Complaint filed: March 22, 2021

Removal date: June 17, 2021

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 PAGA
4 representative action with named Plaintiff Gregory Horowitz and have personal knowledge of
5 the facts thereto. If called 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 at D.Law, Inc. (formerly known as Davtyan Law Firm) in Glendale, 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
18 Class/PAGA actions, including, *De La Rosa v. The Coca Cola Company et al.* (Superior Court
19 of California in Napa, 17CV000787), *Harvey v. Bed Bath & Beyond of California Limited*
20 *Liability Company* (Superior Court of California in Alameda, RG17885153), *Ramirez v. Harris*
21 *Ranch Beef Company* (Superior Court of California in Fresno, 16CECG04103), *Gates v. Gate*
22 *Gourmet, Inc. et al.* (Southern District of California, 16-cv-01084-L-AGS), *Hargrave v.*
23 *Antelope Valley Hospital* (Superior Court of California in Los Angeles, BC663252), *Ramirez v.*
24 *Milton Roy et al.* (Superior Court of California in Los Angeles, BC 632276), *Hawkins v.*
25 *AvalonBay Communities* (Superior Court of California in Santa Clara, 17CV316492), *Jones*
26 *Tharpe et al. v. Sprint Corporation et al.* (Superior Court of California in Los Angeles,
27 BC644645), *Ortega et al. v. Nestle Waters North America, Inc. et al.* (Superior Court of
28 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 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.*

1 *Hugo Boss Retail, Inc.* (Superior Court of California in San Diego, 37-2021-00002933-CU-OE-
2 CTL), *Walker v. Ariat International, Inc.* (Superior Court of California in Alameda,
3 HG19026439), *Orr v. Petvet Care Centers (California) Inc.* (Superior Court of California in
4 Santa Clara, 19CV354063), *Jimenez v. OEC Distribution Services, Inc.* (Superior Court of
5 California in San Bernardino, CIVDS1915743), *Virdi v. Absolute Security International*
6 (Superior Court of California in San Bernardino, CIVDS 1909589), *Raj v. First Transit, Inc.*
7 (Superior Court of California in Sacramento, 34-2021- 00295895-CU-OE-GDS), *Marchbanks*
8 *v. Torrid Administration, Inc.* (Superior Court of California in San Diego, 37-2020-00008179-
9 CU-OE-NC), *Taylor v. Populus Group, LLC* (Southern District of California, 3:20-cv-00473-
10 BAS-BLM), *Wilkerson v. Intuit, Inc.* (Superior Court of California in San Diego, 37-2020-
11 00030371-CU-OE-CTL, among others.

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

1 in Santa Clara, 19CV351584), *Johnson v. Bakersfield Memorial Hospital, et al.* (Superior
2 Court of California in Kern BCV-19-102016), *Higginbotham et al. v. South East Employee*
3 *Leasing Services* (Eastern District of California, 2:20-CV-00575-KJM-DB) *Bailon v. LAFC*
4 *Sports LLC* (Superior Court of California in Los Angeles, 19STCV29518), *Hutchinson v. G6*
5 *Hospitality LLC dba Motel 6* (Southern District of California, 3:20-cv-00270-LAB-AHG),
6 *Powell v. St. Joseph Medical Center* (Superior Court of California in San Joaquin, STK-CV-
7 UOE-2019-0011155), *Jones v. Summit Therapeutics Services Inc.* (Superior Court of California
8 in Santa Clara, 19CV353991), *Barksdale v. UC Davis Medical Center* (Superior Court of
9 California in Sacramento, 00269829), *Springstead v. Recovery Innovations Inc., et al.* (Superior
10 Court of California in San Diego, 37-2020-00001555-CU-OECTL), *Oceana v. Tri-City*
11 *Medical Center* (Superior Court of California in San Diego, 37-2019-65323-CU-OE-CTL),
12 *Maldonado v. Sit 'N Sleep, Inc.* (Superior Court of California in Los Angeles, 19STCV41237),
13 *Taylor v. Populus Group, LLC* (Southern District of California, 3:20-cv-00473-BAS-BLM),
14 *Lim v. Seafood City, et al.* (Superior Court of California in Alameda, RG20066777), *Harisis v.*
15 *Starbucks Corporation* (Superior Court of California in Los Angeles, 20STCV11290), *Battle v.*
16 *Safran Cabin* (Superior Court of California in Orange, 30-2020-01140831-CU-OE-CXC),
17 *Smith v. Noia Residential Services, Inc.* (Superior Court of California in Fresno,
18 20CECG01820), *Diaz v. Recon 360, LLC* (Superior Court of California in Santa Clara,
19 20CV370603), *Rivas v. 8x8, Inc.* (Superior Court of California in Santa Clara, 20cv374192),
20 *Compton v. Broadbase, Inc.* (Superior Court of California in Sacramento, 34-2020-00285501-
21 CU-OE-GDS), *Marden v. CVS Pharmacy, Inc., et al.* (Superior Court of California in Placer, S-
22 CV-0045902), *Godwin v. St. Mary Medical Center Foundation, et al.* (Superior Court of
23 California in Los Angeles, 20STCV45671), *Tabera v. St. Elizabeth Community Hospital, et al.*
24 (Superior Court of California in San Francisco, CGC-21-589691), *Morgan v. Candid Care Co.*
25 (Superior Court of California in San Francisco, 3:21-cv-01748-JSC), *Richardson v. Pegasus*
26 *Aviation Services, LLC* (Superior Court of California in San Mateo, 21-CIV-00292), *Newsome*
27 *v. Graybar Electric Company, Inc.* (Northern District of California, 4:21cv1000), *Terronez v.*
28 *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-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), *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), *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

1 District of California, 21-CV-04832 PA (JCx)), *North v. Jones Lang Lasalle Americas, Inc.*
2 (Superior Court of California in San Diego, 37-2019-00028271-CU-OE-CTL), among others.

3 7. Although I am experienced in employment and class action matters, I associated
4 in as co-counsel on this case with Cohelan Khoury & Singer, who has a great deal of
5 experience in wage and hour class / PAGA action employment cases, and together both of our
6 firms have and will continue to aggressively and competently represent the named plaintiff and
7 aggrieved employees in this case.

8 8. In light of the foregoing, I am qualified to act as co-PAGA Counsel in this
9 matter and fully support the proposed Settlement.

10 9. PAGA Counsel conducted an investigation prior to the Complaint being filed.
11 The Parties thoroughly evaluated the claims and exchanged extensive information regarding the
12 claims prior to negotiating a settlement in this case. PAGA Counsel reviewed Defendant's
13 policies and practices and analyzed documents produced by Defendant necessary to calculate
14 damage models. The Parties mediated with Hon. Margaret Nagle (Ret.) of JAMS on February
15 1, 2024. After a full day of arms'-length negotiations, the Parties reached a Settlement.

16 10. The settlement amount is, of course, a compromise figure. PAGA Counsel
17 considered the risks related to proof of Plaintiff's claims and the strengths and weaknesses of
18 Defendant's defenses. Plaintiff's counsel also considered the possibility that if a settlement
19 were reached after additional years of litigation, the great expenses and attorneys' fees of
20 litigation would reduce the amount of funds available to the aggrieved employees for
21 settlement.

22 11. PAGA Counsel are experienced and qualified to evaluate representative claims
23 and viability of the defenses. The recovery for the aggrieved employees is fair and reasonable
24 based on all risk factors.

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12. By the time this case is fully administered, I will have spent more than 61.50 hours on this matter. The hours spent to date total 56.50 hours (excluding estimated 5.0 hours of post-approval administration of the settlement), which consist of the following:

- a. 25.50 hours conducting pre-litigation investigation, including meetings and/or calls with the Plaintiff and researching the Defendant and/or speaking to aggrieved employees Plaintiff identified regarding Plaintiff's factual contentions, and conducting legal research regarding Plaintiff's claims;
- b. 27.50 hours related to litigation, excluding hours related to settlement and approval of the settlement;
- c. 3.5 hours related to settlement and approval of the settlement; and
- d. Approximately 5.0 hours (estimate) related to post-approval settlement administration including but not limited to answering questions from aggrieved employees regarding their payment.

13. My hourly rate for PAGA representative action work is \$695.00. The lodestar value of the time I will have devoted to this case by the time this case is fully administered is \$42,742.50 (61.50 hours x \$695.00).

14. My office has not incurred any costs in this matter.

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

Executed on March 14, 2024 in Glendale, California

Emil Davtyan