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Attorneys for Plaintiff, DANTE HENDERSON,
on behalf of himself and all others similarly situated
and aggrieved

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

DANTE HENDERSON, an individual, on
behalf of himself, and on behalf of all persons
similarly situated,

Plaintiff,

v.

BIZON GROUP, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.: HG21115170

[Assigned for all purposes to the Hon. Noel
Wise in Dept. 21]

**DECLARATION OF DAVID D. BIBIYAN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

HEARING INFORMATION:

DATE: June 11, 2024
TIME: 1:30 p.m.
DEPT: 21
Reservation ID: 827832649998

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1. I am an attorney at law, duly licensed to practice before all the Courts of the State of California and I am the principal of Bibiyan Law Group, P.C., counsel of record for plaintiff Dante Henderson (“Plaintiff”), and all others similarly situated and aggrieved. As such, I am familiar with the file in this matter and if called as a witness I could and would competently testify to the following facts of my own personal knowledge.

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1 8. Not only have I practiced almost exclusively in this field for years and have
2 contributed to the legal education curriculum for attorneys practicing within it, I am also a
3 published author in the Daily Journal as a contributor in the Wage and Hour and PAGA context,
4 including, in December 15, an article entitled: “PAGA: What’s Gone, What’s Left and What’s
5 Next.” I have also been a quoted source in multiple other publications, including in article pushed
6 by Bloomberg Law dated November 1, 2023 entitled: “Adidas, Home Depot Sued in Test Cases
7 on Job Ad Pay Transparency.”

8 9. My firm has the experience, resources, and means necessary to allow us to provide
9 adequate representation as Class Counsel to all class members in this litigation.

10 10. I have filed contested motions for class certification in the past and have been
11 appointed Class Counsel by the Superior Court of California in the past for purposes of certifying
12 a class. Some examples of Actions in which I was appointed Class Counsel include:

13 • *Santoyo v. Consolidated Foundries, Inc.*, Case No. BC612298, California Superior
14 Court, County of Los Angeles, Honorable Judge Ann I. Jones, presiding;

15 • *Arendsdorff v. Stanley Steamer International, Inc.*, Case No. BC681368, California
16 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos, presiding;

17 • *Barreto v. Don Roberto Jewelers, Inc.*, Case No. BC495451, California Superior Court,
18 County of Los Angeles, Honorable Ann I. Jones, presiding;

19 • *Junior Amilcar Laguna Gonzalez v. Takaaki Koyama*, Case No. BC641998, Los Angeles
20 Superior Court, Honorable Elihu M. Berle, presiding;

21 • *Rios v. Nongshim America, Inc.*, Case No. CIVDS1807390, California Superior Court,
22 County of San Bernardino, Honorable David S. Cohn, presiding;

23 • *Stoddard v. Molded Fiber Glass – West*, Case No. 1517758, California Superior Court,
24 County of San Bernardino, Honorable David S. Cohn, presiding;

25 • *Mata v. Sahara Scaffold, Inc.*, Case No. CIVDS1810785, California Superior Court,
26 County of San Bernardino, Honorable David S. Cohn, presiding;

27 • *Carrasco v. Pure Dental Solutions*, Case No. BC645995, Los Angeles Superior Court,
28 Honorable Kenneth R. Freeman, presiding;

1 • *Gonzalez v. Gochez, et al.*, Case No. BC648729, Los Angeles Superior Court, Honorable
2 Maren Nelson, presiding;
3 • *Montoya v. Superior Paving Co.*, Case No. CIVDS1833422, County of San Bernardino,
4 Honorable David S. Cohn, presiding;
5 • *Lopez v. Norred & Associates, Inc.*, Case No. CIVDS1824109, California Superior
6 Court, County of San Bernardino, David S. Cohn, presiding;
7 • *Noyola v. Lacren, LLC*, Case No. BC717024, California Superior Court, County of Los
8 Angeles, Hon. Anthony Mohr, presiding;
9 • *Luciano, et al. v. O'Tasty Foods, Inc., et al.*, Case No. BC711988, California Superior
10 Court, County of Los Angeles, Honorable Maren Nelson, presiding;
11 • *Gordon v. Hospice Source, LLC*, Case No. 34-2018-00250022-CU-OE-GDS, California
12 Superior Court, County of Sacramento, Honorable Christopher E. Krueger, presiding;
13 • *Barragan v. Refrigeration Supplies Distributor*, Case No. 19STCV09312, California
14 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;
15 • *Ramirez v. Acre Gourmet, Inc.*, Case No. CGC-19-575117, California Superior Court,
16 County of San Francisco, Honorable Andrew Y.S. Cheng, presiding;
17 • *Villafuerte v. Bay Alarm Company*, Case No. BC689110, California Superior Court,
18 County of Los Angeles, Honorable Amy D. Hogue, presiding;
19 • *Cazares v. Areas USA LAX, LLC*, Case No. 19STCV08209, California Superior Court,
20 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;
21 • *Magana v. Castlerock Environmental, Inc., et al.*, Case No. 19STCV38353, California
22 Superior Court, County of Los Angeles, Honorable Ann I. Jones, presiding;
23 • *Chilel v. Sushi California, Inc.*, Case No. 19STCV08209, California Superior Court,
24 County of Los Angeles, Honorable Ann I. Jones, presiding;
25 • *Malone v. Orange Courier, Inc., et al.*, Case No. 30-2016-00763474, California Superior
26 Court, County of Orange, Honorable Glenda Sanders, presiding;
27 • *Rivera v. Talamo Food Services, Inc.*, Case No. 19CV355856, California Superior Court,
28 County of Santa Clara, Honorable Patricia M. Lucas, presiding;

1 • *Olguin v. Cal Central Harvesting, Inc.*, Case No. 18CV03860, California Superior Court,
2 County of Santa Barbara, Honorable James F. Rigali, presiding;
3 • *Pence v. Sober Living by the Sea, Inc.*, Case No. 2018-00988742, California Superior
4 Court, County of Orange, Honorable Randall J. Sherman, presiding;
5 • *Franco v. Vincent Rags, Inc.*, Case No. 20STCV07768, California Superior Court,
6 County of Los Angeles, Honorable Ann I. Jones, presiding;
7 • *Cabral v. Miller Castings, Inc.*, Case No. 19STCV39556, California Superior Court,
8 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;
9 • *Bolanos v. Texas Roadhouse, Inc.*, Case No. 19STCV39556, California Superior Court,
10 County of Los Angeles, Honorable Sunshine Sykes, presiding;
11 • *Rodriguez v. Scott A. Humphreys, Inc.*, Case No. 30-2021-01184556-CU-OE-CXC,
12 California Superior Court, County of Ventura, Honorable Matthew P. Guasco, presiding; and
13 • *Torres v. Primal Pet Foods, Inc.* Case No. FCS054783, California Superior Court,
14 County of Solano, Honorable Wendy G. Getty, presiding;
15 • *Hanson v. Zapata Nuccio, Inc.*, Case No. 20STCV28951, California Superior Court,
16 County of Los Angeles, Honorable Elihu M. Berle, presiding;
17 • *Molina v. Avibank Mfg, Inc.*, Case No. 20STCV03910, California Superior Court,
18 County of Los Angeles, Honorable John P. Doyle, presiding;
19 • *Cetina v. Lawry's Restaurants, Inc.*, Case No. 19STCV05201, California Superior Court,
20 County of Los Angeles, Honorable Amy D. Hogue, presiding;
21 • *Luna v. Pronto California General Agency, LLC*, Case No. 19STCV39951, California
22 Superior Court, County of Los Angeles, Honorable Elihu M. Berle, presiding;
23 • *Alvarez v. Kazak-Mars, Inc.*, Case No. 20STCV42587, California Superior Court,
24 County of Los Angeles, Honorable Elihu M. Berle, presiding;
25 • *Noe v. My Pillow, Inc.* Case No. CIVDS 2011360, California Superior Court, County of
26 San Bernardino, Honorable David Cohn, presiding;
27 • *Nunez v. 2751 West Coast Acquisition Company*, Case No. 30-2020-01145215-CU-
28 OE-CXC, California Superior Court, County, County of Orange, Honorable Randall J. Sherman,

1 Presiding;

2 • *Smith v. McMillen Enterprises, Inc.*, Case No. CV-20-002938, California Superior Court,

3 County of Stanislaus, Honorable John R. Mayne, presiding;

4 • *Turner v. Plant Prefab Inc., et al.*, Case No. CIVDS2017517, California Superior Court,

5 County of San Bernardino, Honorable David Cohn, presiding;

6 • *Duran v. Fresh Select, LLC*, Case No. VCU284892, California Superior Court, County

7 of Tulare, Honorable Bret Hillman, presiding;

8 • *Reynoso, et al. v. Cream of the Crop AG Service, Inc.*, Case No. VCU278847, California

9 Superior Court, County of Tulare, Honorable Bret Hillman, presiding;

10 • *Michel v. Universal Waste Systems, Inc.*, Case No. 19STCV46181, California Superior

11 Court, County of Los Angeles, Honorable David S. Cunningham presiding;

12 • *Jungers v. U.S. Borax Inc., et al.*, Case No. BCV-21-10003, California Superior Court,

13 County of Kern, Honorable Bernard C. Barmann Jr. presiding;

14 • *Fortune v. Amoroso Limited Partnership, et al.*, Case No. 20STCV25874, California

15 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;

16 • *Montoya, et al. v. Remo, Inc.* Case No. 20STCV34614, California Superior Court,

17 County of Los Angeles, Honorable Maren Nelson presiding;

18 • *Rincon, et al. v. New-Indy Tripaq, LLC, et al.* Case No. 20STCV17118, California

19 Superior Court, County of Los Angeles, Honorable Maren Nelson presiding;

20 • *De Leon, et al. v. Wismettac Asian Foods, Inc.* Case No. 19STCV18172, California

21 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;

22 • *Tapia v. Mercer Foods, Inc.* Case No. CV-21-000020, California Superior Court,

23 County of Stanislaus, Honorable Sonny S. Sandhu presiding;

24 • *Molina v. Reser's Fine Foods, Inc.* Case No. 37-2021-00013052-CU-OECTL, California

25 Superior Court, County of San Diego, Honorable Eddie C. Sturgeon presiding;

26 • *Reyes v. Imperial Sprinkler Supply, Inc.* Case No. 30-2020-01167748-CU-OE-CXC,

27 California Superior Court, County of Los Angeles, Honorable Peter Wilson presiding;

28 • *Zavala, et al. v. PLS Check Cashers, Inc.* Case No. 20STCV42586, California Superior

1 Court, County of Los Angeles, Honorable Elihu M. Berle presiding;
2 • *Paz v. Hill Brothers Chemical Company*. Case No. 20STCV48279, California Superior
3 Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
4 • *Garcia v. Inwesco Incorporated*. Case No. 20STCV46833, California Superior Court,
5 County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
6 • *Guevara v. J&K Culver, LLC, et al.* Case No. 19STCV39951, California Superior Court,
7 County of Los Angeles, Honorable Elihu M. Berle presiding;
8 • *Hamilton v. Michael Kors Stores, Inc. et al.*, Case No. 19STCV37061, California
9 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding;
10 • *Arzooian v. A&M Administration, LLC, et al.* Case No. 21STCV05576, California
11 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding;
12 • *Santos, et al. v. Maruzen of America, Inc.*, Case No. 19STCV37662, California Superior
13 Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding;
14 • *Schaffino v. M.O. Dion & Sons., Inc., et al.*, Case No. 20STCV38023, California Superior
15 Court, County of Los Angeles, Honorable Gail Killefer presiding;
16 • *Moreno v. Santa Paula Post Acute, LLC, et al.* Case No. 21STCV12533, California
17 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;
18 • *Singer v. Desert Area Resources and Training*, Case No. BCV-21-101093, California
19 Superior Court, County of Kern, Honorable Thomas S. Clark presiding;
20 • *Clarizio v. Guard-Systems, Inc.*, Case No. 21STCV28667, California Superior Court,
21 County of Los Angeles, Honorable Armen Tamzarian presiding;
22 • *Guzman v. Freschco Painters, Inc.*, Case No. 21STCV04683, California Superior Court,
23 County of Los Angeles, Honorable Lawrence P. Riff presiding;
24 • *Koutny v. PAE Aviation and Technical Services, LLC*, Case No. 21C-0106, California
25 Superior Court, County of Kings, Honorable Melissa R. D’Morias presiding;
26 • *Rodriguez v. Pacifica Trucks, LLC*, Case No. 20STCV37576, California Superior Court,
27 County of Los Angeles, Honorable Stuart Rice presiding;
28 • *Ramos v. AEGIS Treatment Centers, LLC*, Case No. 20STCV41429, California Superior

1 Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
2 • *Valdez v. Integrated Building Services, Inc.* Case No. 20STCV37793, California Superior
3 Court, County of Los Angeles, Honorable Elihu M. Berle presiding;
4 • *Harris v. America One Security, Inc.* Case No. 21STCV01399, California Superior Court,
5 County of Los Angeles, Honorable Lawrence P. Riff presiding;
6 • *Moreno v. M&J Seafood Company, Inc.* Case No. 22STCV03341, California Superior
7 Court, County of Los Angeles, Honorable William F. Highberger presiding;
8 • *Corrales v. Q&B Foods, Inc.* Case No. 20STCV40885, California Superior Court,
9 County of Los Angeles, Honorable Elihu Berle presiding;
10 • *Arteaga v. Demolition Specialist, Inc.* Case No. RIC2001133, California Superior Court,
11 County of Riverside, Honorable Harold Hopp presiding;
12 • *Vigil, et al. v. Capstone Turbine Corporation*, Case No. 20STCV32123, California
13 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;
14 • *Ramirez v. Sea-Win, Inc.* Case No. 21STCV22026, California Superior Court, County of
15 Los Angeles, Honorable Lawrence P. Riff presiding;
16 • *Ortega Chavez v. Winpak Lane, Inc.* Case No. CIVSB2207313, California Superior
17 Court, County of San Bernardino, Honorable Jessica Morgan presiding;
18 • *Garcia v. American Licorice Company*. Case No. RG21107049, California Superior
19 Court, County of Alameda, Honorable Brad Seligman presiding;
20 • *Madrono v. Vitale Nursing, Inc, et al.*, Case No. 21STCV09845, California Superior
21 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding; and
22 • *Orellana v. Advanced Building Maintenance*. Case No. 34-2020-00286791-CU-OE-
23 GDS, California Superior Court, County of Sacramento, Honorable Jill Talley presiding.

24 11. I have also settled matters on a “PAGA Only” basis for aggrieved employees in the
25 past, including in:

26 • *Flores v. Delta Apparel, Inc.*, Case No. BC641499, California Superior Court, County
27 of Los Angeles, Honorable Daniel J. Buckley, presiding;
28 • *Segura v. CJ Foods Service Holdings USA, LLC*, Case No. 19STCV24918, California

1 Superior Court, County of Los Angeles, Honorable Maureen Duffy-Lewis, presiding;
2 • *Sierra v. Nexem-Allied, LLC*, Case No. 20STCV11281, California Superior Court,
3 County of Los Angeles, Honorable Randolph M. Hammock, presiding;
4 • *Nodal v. Sodexo, Inc.*, Case No. 20STCV40601, California Superior Court, County of
5 Los Angeles, Honorable Lawrence Riff, presiding; and
6 • *Cooper v. Lucas Health Partners*, Case No. 20STCV20050, California Superior Court,
7 County of Los Angeles, Honorable Maren Nelson, presiding;
8 • *Herrera v. Greystar Management, LP, et al.*, Case No. 37-2020-00009672-CU-OE-CTL,
9 California Superior Court, County of San Diego, Honorable Carolyn Caietti, presiding;
10 • *Slater v. Jo-Ann Stores, LLC.*, Case No. 21STCV18454, California Superior Court,
11 County of Los Angeles, Honorable Maurice A. Leiter, presiding;
12 • *Bolanos v. Canoga Park Heating & Air Conditioning, Co., Inc.*, Case No. 21STCV12674,
13 California Superior Court, County of Los Angeles, Honorable Yolanda Orozco, presiding;
14 • *Granados v. Cosmetic Ideas, Inc.* Case No. 21STCV10797, California Superior Court,
15 County of Los Angeles, Honorable Richard L. Fruin, presiding;
16 • *Ruano v. DPC Woodwork, Inc.* Case No. 21STCV00408, California Superior Court,
17 County of Los Angeles, Honorable Jon R. Takasugi presiding;
18 • *Tarin v. TPS Solutions, Inc.*, Case No. 21STCV07844, California Superior Court, County
19 of Los Angeles, Honorable Maren E. Nelson presiding;
20 • *Echegoyen v. The ADT Security Corporation.*, Case No. 21STCV07206, California
21 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding; and
22 • *Iraheta v. Legacy Farmers, Inc.*, Case No. MSC21-00762, California Superior Court,
23 County of Contra Costa, Honorable Edward G. Weil presiding.

24 12. I believe that I am sufficiently experienced and qualified to evaluate the Class
25 Members' claims and viability of Defendant's defenses.

26 13. I believe recovery for each Class Member is well within the acceptable range for
27 this type of action. Class Counsel and Plaintiff were prepared to litigate the claims in this Action,
28 but they strongly and unequivocally support the proposed Settlement as being in the best interest

1 of the Settlement Class based on the circumstances referenced herein. I believe that this Settlement
2 is favorable given that the Settlement Class will receive compensation promptly rather than facing
3 uncertainties inherent in further litigation and waiting years for this Action to be tried.
4 Furthermore, I believe the Settlement Class has, overwhelmingly supported the Settlement on the
5 terms set forth in the Settlement Agreement, as evidenced by the 100% participation rate by the
6 Settlement Class. Thus, this Settlement is highly favorable and is in the best interests of the
7 Settlement Class.

8 **An Award of Attorneys' Fees as Requested is Appropriate Under the Lodestar Method**

9 14. I believe Class Counsel earned the requested fee, as this case was vigorously
10 litigated. Over 233 hours will have been expended by Bibiyan Law Group, P.C.'s attorneys and
11 staff to date.

12 15. To summarize Class Counsel's lodestar request, based upon my experience and
13 familiarity with this matter, attorneys and staff at Bibiyan Law Group, P.C., will have collectively
14 worked 233.4 hours. Class Counsel's hourly rate in this case for David D. Bibiyan is \$1,000 per
15 hour (approx. 56.8 hours); Vedang J. Patel is \$550 per hour (approx. 61.2 hours); Brandon M. Chang
16 is \$500 per hour (approx. 7.5 hours); Joshua Shirian is \$475 per hour (approx. 91.3 hours);
17 Paralegals are \$175 per hour (approx. 8.0 hours); and Legal Assistants are \$75 per hour (approx. 8.6
18 hours). At Class Counsel's hourly rates, this results in a lodestar amount of \$142,683 for Bibiyan
19 Law Group, P.C.

20 16. The over 233 hours expended by the lawyers and staff members of Bibiyan Law
21 Group, P.C., in connection with this Action is only a calculation of efforts made thus far; it does
22 not include the time that will be spent preparing for the Final Approval Hearing and updating this
23 Court regarding the disposition of uncashed checks and/or amending the judgment, if necessary.
24 Thus, Class Counsel request that the Court find that these hours are reasonable in this litigation.

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Costs Incurred by Class Counsel

17. The itemized costs incurred by Bibiyan Law Group, P.C., in the above-referenced matter total \$14,837.39.

(1) Filing and Messenger Costs:	\$1,775.05
(2) Case Document Purchase	\$38.50
(3) Expert Financial Consultant	\$686.25
(4) Expert Data Consultant	\$2,160.00
(5) Mediation	\$9,956.25
(6) Service of Process:	\$93.50
(7) Postage/FedEx:	\$64.04
(8) Photocopies (319 x \$0.20):	\$63.80

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct this 17th day of May 2024, at Los Angeles, California.

David D. Bibiyan
David D. Bibiyan