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and all others similarly situated and aggrieved

Additional Counsel Listed on Next Page

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES- SPRING STREET COURTHOUSE

MARIO ANGEL MENDOZA, an individual
and on behalf of himself and all others similarly
situated; EDIN MARROQUIN, an individual,
on behalf of himself and all others similarly
situated, and on behalf of the State of California
and other aggrieved persons,

Plaintiff,

v.

AMUSEMENT INDUSTRY, INC., a California
corporation; and DOES 1 through 100,
inclusive,

Defendant.

CASE NO.: 21STCV09790

[Assigned to the Hon. Carolyn B. Kuhl, in
Dept. 12]

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

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on behalf of himself and all others similarly situated and aggrieved

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1 • *Santoyo v. Consolidated Foundries, Inc.*, Case No. BC612298, California Superior
2 Court, County of Los Angeles, Honorable Judge Ann I. Jones, presiding;
3 • *Arenddorff v. Stanley Steamer International, Inc.*, Case No. BC681368, California
4 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos, presiding;
5 • *Barreto v. Don Roberto Jewelers, Inc.*, Case No. BC495451, California Superior Court,
6 County of Los Angeles, Honorable Ann I. Jones, presiding;
7 • *Junior Amilcar Laguna Gonzalez v. Takaaki Koyama*, Case No. BC641998, Los Angeles
8 Superior Court, Honorable Elihu M. Berle, presiding;
9 • *Rios v. Nongshim America, Inc.*, Case No. CIVDS1807390, California Superior Court,
10 County of San Bernardino, Honorable David S. Cohn, presiding;
11 • *Stoddard v. Molded Fiber Glass – West*, Case No. 1517758, California Superior Court,
12 County of San Bernardino, Honorable David S. Cohn, presiding;
13 • *Mata v. Sahara Scaffold, Inc.*, Case No. CIVDS1810785, California Superior Court,
14 County of San Bernardino, Honorable David S. Cohn, presiding;
15 • *Carrasco v. Pure Dental Solutions*, Case No. BC645995, Los Angeles Superior Court,
16 Honorable Kenneth R. Freeman, presiding;
17 • *Gonzalez v. Gochez, et al.*, Case No. BC648729, Los Angeles Superior Court, Honorable
18 Maren Nelson, presiding;
19 • *Montoya v. Superior Paving Co.*, Case No. CIVDS1833422, County of San Bernardino,
20 Honorable David S. Cohn, presiding;
21 • *Lopez v. Norred & Associates, Inc.*, Case No. CIVDS1824109, California Superior
22 Court, County of San Bernardino, David S. Cohn, presiding;
23 • *Noyola v. Lacren, LLC*, Case No. BC717024, California Superior Court, County of Los
24 Angeles, Hon. Anthony Mohr, presiding;
25 • *Luciano, et al. v. O’Tasty Foods, Inc., et al.*, Case No. BC711988, California Superior
26 Court, County of Los Angeles, Honorable Maren Nelson, presiding;
27 • *Gordon v. Hospice Source, LLC*, Case No. 34-2018-00250022-CU-OE-GDS, California
28 Superior Court, County of Sacramento, Honorable Christopher E. Krueger, presiding;

1 • *Barragan v. Refrigeration Supplies Distributor*, Case No. 19STCV09312, California
2 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;
3 • *Ramirez v. Acre Gourmet, Inc.*, Case No. CGC-19-575117, California Superior Court,
4 County of San Francisco, Honorable Andrew Y.S. Cheng, presiding;
5 • *Villafuerte v. Bay Alarm Company*, Case No. BC689110, California Superior Court,
6 County of Los Angeles, Honorable Amy D. Hogue, presiding;
7 • *Cazares v. Areas USA LAX, LLC*, Case No. 19STCV08209, California Superior Court,
8 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;
9 • *Magana v. Castlerock Environmental, Inc., et al.*, Case No. 19STCV38353, California
10 Superior Court, County of Los Angeles, Honorable Ann I. Jones, presiding;
11 • *Chilel v. Sushi California, Inc.*, Case No. 19STCV08209, California Superior Court,
12 County of Los Angeles, Honorable Ann I. Jones, presiding;
13 • *Malone v. Orange Courier, Inc., et al.*, Case No. 30-2016-00763474, California Superior
14 Court, County of Orange, Honorable Glenda Sanders, presiding;
15 • *Rivera v. Talamo Food Services, Inc.*, Case No. 19CV355856, California Superior Court,
16 County of Santa Clara, Honorable Patricia M. Lucas, presiding;
17 • *Olguin v. Cal Central Harvesting, Inc.*, Case No. 18CV03860, California Superior Court,
18 County of Santa Barbara, Honorable James F. Rigali, presiding;
19 • *Pence v. Sober Living by the Sea, Inc.*, Case No. 2018-00988742, California Superior
20 Court, County of Orange, Honorable Randall J. Sherman, presiding;
21 • *Franco v. Vincent Rags, Inc.*, Case No. 20STCV07768, California Superior Court,
22 County of Los Angeles, Honorable Ann I. Jones, presiding;
23 • *Cabral v. Miller Castings, Inc.*, Case No. 19STCV39556, California Superior Court,
24 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding.
25 • *Bolanos v. Texas Roadhouse, Inc.*, Case No. 19STCV39556, California Superior Court,
26 County of Los Angeles, Honorable Sunshine Sykes, presiding;
27 • *Rodriguez v. Scott A. Humphreys, Inc.*, Case No. 30-2021-01184556-CU-OE-CXC,
28 California Superior Court, County of Ventura, Honorable Matthew P. Guasco, presiding; and

- 1 • *Torres v. Primal Pet Foods, Inc.* Case No. FCS054783, California Superior Court,
2 County of Solano, Honorable Wendy G. Getty, presiding.
- 3 • *Hanson v. Zapata Nuccio, Inc.*, Case No. 20STCV28951, California Superior Court,
4 County of Los Angeles, Honorable Elihu M. Berle, presiding;
- 5 • *Molina v. Avibank Mfg, Inc.*, Case No. 20STCV03910, California Superior Court,
6 County of Los Angeles, Honorable John P. Doyle, presiding;
- 7 • *Cetina v. Lawry's Restaurants, Inc.*, Case No. 19STCV05201, California Superior Court,
8 County of Los Angeles, Honorable Amy D. Hogue, presiding;
- 9 • *Luna v. Pronto California General Agency, LLC*, Case No. 19STCV39951, California
10 Superior Court, County of Los Angeles, Honorable Elihu M. Berle, presiding;
- 11 • *Alvarez v. Kazak-Mars, Inc.*, Case No. 20STCV42587, California Superior Court,
12 County of Los Angeles, Honorable Elihu M. Berle, presiding;
- 13 • *Noe v. My Pillow, Inc.* Case No. CIVDS 2011360, California Superior Court, County of
14 San Bernardino, Honorable David Cohn, presiding;
- 15 • *Nunez v. 2751 West Coast Acquisition Company*, Case No. 30-2020-01145215-CU-
16 OE-CXC, California Superior Court, County, County of Orange, Honorable Randall J. Sherman,
17 Presiding;
- 18 • *Smith v. McMillen Enterprises, Inc.*, Case No. CV-20-002938, California Superior Court,
19 County of Stanislaus, Honorable John R. Mayne, presiding;
- 20 • *Turner v. Plant Prefab Inc., et al.*, Case No. CIVDS2017517, California Superior Court,
21 County of San Bernardino, Honorable David Cohn, presiding;
- 22 • *Duran v. Fresh Select, LLC*, Case No. VCU284892, California Superior Court, County
23 of Tulare, Honorable Bret Hillman, presiding;
- 24 • *Reynoso, et al. v. Cream of the Crop AG Service, Inc.*, Case No. VCU278847, California
25 Superior Court, County of Tulare, Honorable Bret Hillman, presiding;
- 26 • *Michel v. Universal Waste Systems, Inc.*, Case No. 19STCV46181, California Superior
27 Court, County of Los Angeles, Honorable David S. Cunningham presiding;
- 28 • *Jungers v. U.S. Borax Inc., et al.*, Case No. BCV-21-10003, California Superior Court,

1 County of Kern, Honorable Bernard C. Barmann Jr. presiding.

2 • *Fortune v. Amoroso Limited Partnership, et al.*, Case No. 20STCV25874, California
3 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;

4 • *Montoya, et al. v. Remo, Inc.* Case No. 20STCV34614, California Superior Court,
5 County of Los Angeles, Honorable Maren Nelson presiding;

6 • *Rincon, et al. v. New-Indy Tripaq, LLC, et al.* Case No. 20STCV17118, California
7 Superior Court, County of Los Angeles, Honorable Maren Nelson presiding;

8 • *De Leon, et al. v. Wismettac Asian Foods, Inc.* Case No. 19STCV18172, California
9 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;

10 • *Tapia v. Mercer Foods, Inc.* Case No. CV-21-000020, California Superior Court,
11 County of Stanislaus, Honorable Sonny S. Sandhu presiding;

12 • *Molina v. Reser's Fine Foods, Inc.* Case No. 37-2021-00013052-CU-OECTL, California
13 Superior Court, County of San Diego, Honorable Eddie C. Sturgeon presiding;

14 • *Reyes v. Imperial Sprinkler Supply, Inc.* Case No. 30-2020-01167748-CU-OE-CXC,
15 California Superior Court, County of Los Angeles, Honorable Peter Wilson presiding;

16 • *Zavala, et al. v. PLS Check Cashers, Inc.* Case No. 20STCV42586, California Superior
17 Court, County of Los Angeles, Honorable Elihu M. Berle presiding; and

18 • *Paz v. Hill Brothers Chemical Company.* Case No. 20STCV48279, California Superior
19 Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;

20 • *Garcia v. Inwesco Incorporated.* Case No. 20STCV46833, California Superior Court,
21 County of Los Angeles, Honorable Carolyn B. Kuhl presiding;

22 • *Guevara v. J&K Culver, LLC, et al.* Case No. 19STCV39951, California Superior
23 Court, County of Los Angeles, Honorable Elihu M. Berle presiding;

24 • *Hamilton v. Michael Kors Stores, Inc. et al.*, Case No. 19STCV37061, California
25 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding; and

26 • *Arzooian v. A&M Administration, LLC, et al.* Case No. 21STCV05576, California
27 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding.

28 9. I have also settled matters on a "PAGA Only" basis for aggrieved employees in the

1 past, including in:

- 2 • *Flores v. Delta Apparel, Inc.*, Case No. BC641499, California Superior Court, County
- 3 of Los Angeles, Honorable Daniel J. Buckley, presiding;
- 4 • *Segura v. CJ Foods Service Holdings USA, LLC*, Case No. 19STCV24918, California
- 5 Superior Court, County of Los Angeles, Honorable Maureen Duffy-Lewis, presiding;
- 6 • *Sierra v. Nexem-Allied, LLC*, Case No. 20STCV11281, California Superior Court,
- 7 County of Los Angeles, Honorable Randolph M. Hammock, presiding;
- 8 • *Nodal v. Sodexo, Inc.*, Case No. 20STCV40601, California Superior Court, County of
- 9 Los Angeles, Honorable Lawrence Riff, presiding; and
- 10 • *Cooper v. Lucas Health Partners*, Case No. 20STCV20050, California Superior Court,
- 11 County of Los Angeles, Honorable Maren Nelson, presiding;
- 12 • *Herrera v. Greystar Management, LP, et al.*, Case No. 37-2020-00009672-CU-OE-CTL,
- 13 California Superior Court, County of San Diego, Honorable Carolyn Caietti, presiding;
- 14 • *Slater v. Jo-Ann Stores, LLC.*, Case No. 21STCV18454, California Superior Court,
- 15 County of Los Angeles, Honorable Maurice A. Leiter, presiding;
- 16 • *Bolanos v. Canoga Park Heating & Air Conditioning, Co., Inc.*, Case No.
- 17 21STCV12674, California Superior Court, County of Los Angeles, Honorable Yolanda Orozco,
- 18 presiding; and
- 19 • *Granados v. Cosmetic Ideas, Inc.* Case No. 21STCV10797, California Superior Court,
- 20 County of Los Angeles, Honorable Richard L. Fruin, presiding.

21 10. I believe that I am sufficiently experienced and qualified to evaluate the Class

22 Members' claims and viability of Defendant's defenses.

23 11. I believe recovery for each Class Member is well within the acceptable range for

24 this type of action. Class Counsel and Plaintiff were prepared to litigate the claims in this Action,

25 but they strongly and unequivocally support the proposed Settlement as being in the best interest

26 of the Settlement Class based on the circumstances referenced herein. I believe that this Settlement

27 is favorable given that the Settlement Class will receive compensation promptly rather than facing

28 uncertainties inherent in further litigation and waiting years for this Action to be tried.

1 Furthermore, I believe the Settlement Class has, overwhelmingly supported the Settlement on the
2 terms set forth in the Settlement Agreement, as evidenced by the 100% participation rate by the
3 Settlement Class. Thus, this Settlement is highly favorable and is in the best interests of the
4 Settlement Class.

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

6 12. I believe Class Counsel earned the requested fee, as this case was vigorously
7 litigated. Over 680 hours will have been expended by Bibiyan Law Group, P.C.'s and Wilshire
8 Law Group PLC attorneys and staff to date.

9 13. To summarize Bibiyan law Group P.C.'s lodestar request, Bibiyan Law Group, P.C.
10 will have collectively worked approximately 506.3 hours. Bibiyan Law Group, PC's hourly rate in
11 this case for David D. Bibiyan is \$825 per hour (approx. 63.7 hours); Diego Aviles is \$600 per hour
12 (approx. 174.6 hours); Jeffrey Klein is \$700 (approx. 8.3 hours) Joshua Shirian is \$400 (approx.
13 21.3 hours); Sara Ehsani-Nia is \$400 per hour (approx. 33.2 hours); Robert Payalsyan is \$350
14 (approx.. 73.8 hours); Blanca Chavez is \$325 (approx.. 9.7 hours) Vedang J. Patel is \$450 per hour
15 (approx. 54.3 hours); Anton Swain-Gil is \$350 per hour (approx. 34.0 hours); Iona Levin is \$400
16 per hour (approx. 18.9 hours); Paralegals are \$150 per hour (approx. 9.5 hours); and Legal Assistants
17 are \$75 per hour (approx. 5.0 hours). This results in a total lodestar amount of \$259,600.00 for
18 Bibiyan Law Group, PC.

19 14. Pursuant to the declaration of Justin F. Marquez, Wilshire Law Firm, PLC's hourly
20 rate in this case for Justin F. Marquez is \$850 (approx 40.00 hours); Benjamin H. Haber is \$650
21 (approx. 50.00 hours); Arrash T. Fattahi is \$450 (approx. 75.00 hours) and paralegal Min Jee Kim
22 is \$150 (approx. 10.00 hours). This results in a total lodestar amount of \$101,750.00

23 15. At Class Counsel's hourly rates, this results in a total lodestar amount of
24 \$361,350.00.

25 **Class Counsel's Hours Spent on the Case**

26 16. Class Counsel have already spent over 680 hours litigating this case to date and
27 bringing it to fruition. Tens of hours were spent on this case prior to litigation understanding
28 Defendant's business structure, officers, directors, stockholders and managing agents' policies.

1 Tens of hours were spent meeting and conferring with opposing counsel. Many hours were spent
2 negotiating the parameters of mediation, agreeing to a mediator, and determining what informal
3 discovery would be exchanged beforehand. Tens of hours were spent performing informal
4 discovery, including obtaining and reviewing Defendant's policies, as well as obtaining and
5 reviewing, with the aid of expert consultants, the voluminous time and pay records from
6 Defendant, the compliance rate of meal and rest periods, and contacting Class Members. Tens of
7 hours were spent preparing for and attending mediation. Tens of hours were spent negotiating a
8 long form settlement agreement. Therein, tens more hours were spent preparing a motion for
9 preliminary approval, attending a hearing thereon and working with the administrator to
10 administer Class Notices to Class Members, and most recently preparing this Motion for Final
11 Approval.

12 17. And, the over 680 hours expended by the lawyers and staff members of Bibiyan
13 Law Group, P.C., and Miracle Mile Law Group, LLP, in connection with this Action is only a
14 calculation of efforts made thus far; it does not include the time that will be spent preparing for
15 and attending the final approval hearing, and updating this Court regarding the disposition of
16 uncashed checks and/or amending the judgment, if necessary. Thus, Class Counsel request that
17 the Court find that these hours are reasonable in this litigation.

18 18. Here, no multiplier is necessary as Class Counsel has incurred far more in
19 attorneys' fees than Class Counsel requests in fees from the Gross Settlement Amount. However,
20 should a multiplier have been requested, it would have been warranted.

21 **Costs Incurred by Class Counsel**

22 19. The itemized costs incurred by Bibiyan Law Group, P.C. in the above-referenced
23 matter total \$17,845.04.

24	(1) Case Initiation	\$1,843.60
25	(2) Case Anywhere	\$1,076.20
26	(3) Process Service	\$134.10
27	(4) Court Call	\$90.00
28	(5) Data Analysis	\$4,500.00

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(6)	Mediation	\$10,000.00
(7)	Postage/FedEx	\$57.34
(8)	Photocopies	\$68.80 (344 x 0.20)
(9)	LWDA Costs	\$75.00

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct this 2nd day of March 2023, at Beverly Hills, California.

David D. Bibiyan
David D. Bibiyan