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Attorneys for Plaintiff PRISCILLA LOPEZ, in a Representative capacity only, and on behalf of other members of the general public similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF IMPERIAL

PRISCILLA LOPEZ, in a Representative capacity only, and on behalf of other members of the general public similarly situated

Plaintiff

v.

GEO SECURE SERVICES, LLC, a Florida Limited Liability Company; and DOES 1-10, inclusive

Defendants

CASE NO. ECU002060

DECLARATION OF DAVID D. BIBIYAN

Date: January 5, 2023

Time: 8:30 a.m.

Dept.: 7

Judge: Hon. Jeffrey B. Jones

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1 5. After Plaintiff's filing the PAGA Action, Defense Counsel informed Counsel for
2 Plaintiff of the existence of a settlement agreement and release in the matter of *Samantha Garrett-*
3 *Cain et al. v. The GEO Group, Inc., et al.*, Orange County Superior Court Case No.: 37-2020-
4 00008291-CU-OE-CTL. Defense Counsel conveyed to Plaintiff's Counsel its position that this
5 settlement agreement released Defendants from liability for a variety of wage-and-hour violations
6 as to non-exempt employees of Defendants in California in time up to and including April 11,
7 2020. Defense Counsel additionally informed Counsel for Plaintiff of the existence of several
8 other individual plaintiffs who had recently filed civil complaints in California seeking recovery
9 on a class-wide basis against Defendants for the same or similar alleged violations of the
10 California Labor Code and related statutes.

11 6. On or around August 18, 2022, the Parties, including the other individual plaintiffs
12 and their counsel, participated in an all-day mediation presided over by Deborah Saxe, Esq., a
13 well-regarded mediator experienced in mediating complex labor and employment matters, but did
14 not reach a settlement.

15 7. On or around August 1, 2023, the Parties participated in an all-day mediation
16 presided over by Katherine Edwards, Esq., a well-regarded mediator experienced in mediating
17 complex labor and employment matters, which led to settlement of the Action.

18 8. Prior to the August 1, 2023 mediation, Plaintiff's counsel obtained, through
19 informal discovery: (1) time and payroll records for the estimated 2,172 Class Members during
20 the period from April 11, 2020 through the date of mediation ("Class Period"); (2) data points,
21 including average rates of pay total hours worked during the Class Period; (3) the number of pay
22 periods worked during the Class Period; (4) the number of terminated/separated Class Members
23 eligible for waiting time penalties and their dates of separation/termination; (5) the number of
24 workweeks worked by specified Class Members ("Aggrieved Employees") during the period from
25 April 24, 2020 through the date of mediation ("PAGA Period"); (6) the number of former
26 Aggrieved Employees; (7) the number of pay periods in the Wage Statement/PAGA Period; (8)
27 policy documents purporting to reflect Defendants' relevant policies and practices in effect during
28 the Class Period; (9) Defendants' definition of a workweek and work day; (10) a list of all

1 locations in California where Defendants employed Class Members during the Class Period; (11)
2 the number of clock-in stations available to Class Members during the Class Period; (12) a list of
3 job titles held by Class Members during the Class Period, as well as written descriptions of each;
4 and (13) Plaintiff's personal employment files maintained by Defendants.

5 **Adequacy of Class Counsel**

6 9. I am an experienced class action attorney, have been appointed as class counsel in
7 other class actions, and have a successful track record in litigating class actions.

8 10. I graduated with a Bachelor of Arts degree from the University of California, Los
9 Angeles in 2009.

10 11. I received my Juris Doctorate from The University of Chicago Law School in 2012.

11 12. After practicing for several years as a member of Cohen & Lord, P.C., practicing
12 in an amorphous range of civil litigation on behalf of both plaintiffs and defendants, I opened up
13 a law firm in 2014 with a concentration in representation of employees against employers to
14 recover unpaid wages and vindicate harassment, discrimination and retaliation in various contexts.

15 13. I am an active member of the California Employment Lawyers' Association
16 ("CELA"), one of only a few members of its Reverse Auctions Subcommittee and serve as a
17 mediator between other plaintiffs' counsel who bring overlapping class actions. I have also
18 attended various Continuing Legal Education courses pertaining to advocacy on behalf of
19 employees.

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

22 15. I have filed contested motions for class certification in the past and have been
23 appointed Class Counsel by the Superior Court of California in the past. Some examples of
24 Actions in which I was appointed Class Counsel include:

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

27 • *Arendorff v. Stanley Steamer International, Inc.*, Case No. BC681368, California
28 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos, presiding.

- 1 • *Barreto v. Don Roberto Jewelers, Inc.*, Case No. BC495451, California Superior Court,
2 County of Los Angeles, Honorable Ann I. Jones, presiding.
- 3 • *Junior Amilcar Laguna Gonzalez v. Takaaki Koyama*, Case No. BC641998, Los Angeles
4 Superior Court, Honorable Elihu M. Berle, presiding.
- 5 • *Rios v. Nongshim America, Inc.*, Case No. CIVDS1807390, California Superior Court,
6 County of San Bernardino, Honorable David S. Cohn, presiding.
- 7 • *Stoddard v. Molded Fiber Glass – West*, Case No. 1517758, California Superior Court,
8 County of San Bernardino, Honorable David S. Cohn, presiding.
- 9 • *Mata v. Sahara Scaffold, Inc.*, Case No. CIVDS1810785, California Superior Court,
10 County of San Bernardino, Honorable David S. Cohn, presiding.
- 11 • *Carrasco v. Pure Dental Solutions*, Case No. BC645995, Los Angeles Superior Court,
12 Honorable Kenneth R. Freeman, presiding.
- 13 • *Gonzalez v. Gochez, et al.*, Case No. BC648729, Los Angeles Superior Court, Honorable
14 Maren Nelson, presiding.
- 15 • *Montoya v. Superior Paving Co.*, Case No. CIVDS1833422, County of San Bernardino,
16 Honorable David S. Cohn, presiding.
- 17 • *Lopez v. Norred & Associates, Inc.*, Case No. CIVDS1824109, California Superior
18 Court, County of San Bernardino, David S. Cohn, presiding.
- 19 • *Noyola v. Lacren, LLC*, Case No. BC717024, California Superior Court, County of Los
20 Angeles, Hon. Anthony Mohr, presiding.
- 21 • *Luciano, et al. v. O’Tasty Foods, Inc., et al.*, Case No. BC711988, California Superior
22 Court, County of Los Angeles, Honorable Maren Nelson, presiding.
- 23 • *Gordon v. Hospice Source, LLC*, Case No. 34-2018-00250022-CU-OE-GDS, California
24 Superior Court, County of Sacramento, Honorable Christopher E. Krueger, presiding.
- 25 • *Barragan v. Refrigeration Supplies Distributor*, Case No. 19STCV09312, California
26 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;
- 27 • *Ramirez v. Acre Gourmet, Inc.*, Case No. CGC-19-575117, California Superior Court,
28 County of San Francisco, Honorable Andrew Y.S. Cheng, presiding.

- 1 • *Villafuerte v. Bay Alarm Company*, Case No. BC689110, California Superior Court,
2 County of Los Angeles, Honorable Amy D. Hogue, presiding.
- 3 • *Cazares v. Areas USA LAX, LLC*, Case No. 19STCV08209, California Superior Court,
4 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding.
- 5 • *Magana v. Castlerock Environmental, Inc., et al.*, Case No. 19STCV38353, California
6 Superior Court, County of Los Angeles, Honorable Ann I. Jones, presiding.
- 7 • *Chilel v. Sushi California, Inc.*, Case No. 19STCV08209, California Superior Court,
8 County of Los Angeles, Honorable Ann I. Jones, presiding.
- 9 • *Malone v. Orange Courier, Inc., et al.*, Case No. 30-2016-00763474, California Superior
10 Court, County of Orange, Honorable Glenda Sanders, presiding.
- 11 • *Rivera v. Talamo Food Services, Inc.*, Case No. 19CV355856, California Superior Court,
12 County of Santa Clara, Honorable Patricia M. Lucas, presiding.
- 13 • *Olguin v. Cal Central Harvesting, Inc.*, Case No. 18CV03860, California Superior Court,
14 County of Santa Barbara, Honorable James F. Rigali, presiding.
- 15 • *Pence v. Sober Living by the Sea, Inc.*, Case No. 2018-00988742, California Superior
16 Court, County of Orange, Honorable Randall J. Sherman, presiding.
- 17 • *Franco v. Vincent Rags, Inc.*, Case No. 20STCV07768, California Superior Court,
18 County of Los Angeles, Honorable Ann I. Jones, presiding.
- 19 • *Cabral v. Miller Castings, Inc.*, Case No. 19STCV39556, California Superior Court,
20 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding.
- 21 • *Bolanos v. Texas Roadhouse, Inc.*, Case No. 19STCV39556, California Superior Court,
22 County of Los Angeles, Honorable Sunshine Sykes, presiding.
- 23 • *Rodriguez v. Scott A. Humphreys, Inc.*, Case No. 30-2021-01184556-CU-OE-CXC,
24 California Superior Court, County of Ventura, Honorable Matthew P. Guasco, presiding.
- 25 • *Torres v. Primal Pet Foods, Inc.* Case No. FCS054783, California Superior Court,
26 County of Solano, Honorable Wendy G. Getty, presiding.
- 27 • *Hanson v. Zapata Nuccio, Inc.*, Case No. 20STCV28951, California Superior Court,
28 County of Los Angeles, Honorable Elihu M. Berle, presiding.

- 1 • *Molina v. Avibank Mfg, Inc.*, Case No. 20STCV03910, California Superior Court,
2 County of Los Angeles, Honorable John P. Doyle, presiding.
- 3 • *Cetina v. Lawry's Restaurants, Inc.*, Case No. 19STCV05201, California Superior Court,
4 County of Los Angeles, Honorable Amy D. Hogue, presiding;
- 5 • *Luna v. Pronto California General Agency, LLC*, Case No. 19STCV39951, California
6 Superior Court, County of Los Angeles, Honorable Elihu M. Berle, presiding.
- 7 • *Alvarez v. Kazak-Mars, Inc.*, Case No. 20STCV42587, California Superior Court,
8 County of Los Angeles, Honorable Elihu M. Berle, presiding.
- 9 • *Noe v. My Pillow, Inc.* Case No. CIVDS 2011360, California Superior Court, County of
10 San Bernardino, Honorable David Cohn, presiding.
- 11 • *Nunez v. 2751 West Coast Acquisition Company*, Case No. 30-2020-01145215-CU-
12 OE-CXC, California Superior Court, County, County of Orange, Honorable Randall J. Sherman,
13 Presiding.
- 14 • *Smith v. McMillen Enterprises, Inc.*, Case No. CV-20-002938, California Superior Court,
15 County of Stanislaus, Honorable John R. Mayne, presiding.
- 16 • *Turner v. Plant Prefab Inc., et al.*, Case No. CIVDS2017517, California Superior Court,
17 County of San Bernardino, Honorable David Cohn, presiding.
- 18 • *Duran v. Fresh Select, LLC*, Case No. VCU284892, California Superior Court, County
19 of Tulare, Honorable Bret Hillman, presiding.
- 20 • *Reynoso, et al. v. Cream of the Crop AG Service, Inc.*, Case No. VCU278847, California
21 Superior Court, County of Tulare, Honorable Bret Hillman, presiding.
- 22 • *Michel v. Universal Waste Systems, Inc.*, Case No. 19STCV46181, California Superior
23 Court, County of Los Angeles, Honorable David S. Cunningham presiding.
- 24 • *Jungers v. U.S. Borax Inc., et al.*, Case No. BCV-21-10003, California Superior Court,
25 County of Kern, Honorable Bernard C. Barmann Jr. presiding.
- 26 • *Fortune v. Amoroso Limited Partnership, et al.*, Case No. 20STCV25874, California
27 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding.
- 28 • *Montoya, et al. v. Remo, Inc.* Case No. 20STCV34614, California Superior Court,

1 County of Los Angeles, Honorable Maren Nelson presiding.

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

3 Superior Court, County of Los Angeles, Honorable Maren Nelson presiding.

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

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

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

7 County of Stanislaus, Honorable Sonny S. Sandhu presiding.

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

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

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

11 California Superior Court, County of Los Angeles, Honorable Peter Wilson presiding.

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

13 Court, County of Los Angeles, Honorable Elihu M. Berle presiding.

14 • *Paz v. Hill Brothers Chemical Company.* Case No. 20STCV48279, California Superior

15 Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding.

16 • *Garcia v. Inwesco Incorporated.* Case No. 20STCV46833, California Superior Court,

17 County of Los Angeles, Honorable Carolyn B. Kuhl presiding.

18 • *Guevara v. J&K Culver, LLC, et al..* Case No. 19STCV39951, California Superior Court,

19 County of Los Angeles, Honorable Elihu M. Berle presiding.

20 • *Hamilton v. Michael Kors Stores, Inc. et al.,* Case No. 19STCV37061, California

21 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding.

22 • *Arzooian v. A&M Administration, LLC, et al.* Case No. 21STCV05576, California

23 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding.

24 • *Santos, et al. v. Maruzen of America, Inc.,* Case No. 19STCV37662, California

25 Superior Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding.

26 • *Schaffino v. M.O. Dion & Sons., Inc., et al.,* Case No. 20STCV38023, California

27 Superior Court, County of Los Angeles, Honorable Gail Killefer presiding.

28 • *Moreno v. Santa Paula Post Acute, LLC, et al.* Case No. 21STCV12533, California

1 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding.

- 2 • *Singer v. Desert Area Resources and Training*, Case No. BCV-21-101093, California

3 Superior Court, County of Kern, Honorable Thomas S. Clark presiding.

- 4 • *Clarizio v. Guard-Systems, Inc.*, Case No. 21STCV28667, California Superior Court,

5 County of Los Angeles, Honorable Armen Tamzarian presiding.

- 6 • *Guzman v. Freschco Painters, Inc.*, Case No. 21STCV04683, California Superior

7 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding.

- 8 • *Koutny v. PAE Aviation and Technical Services, LLC*, Case No. 21C-0106, California

9 Superior Court, County of Kings, Honorable Melissa R. D’Morias presiding

- 10 • *Rodriguez v. Pacifica Trucks, LLC*, Case No. 20STCV37576, California Superior

11 Court, County of Los Angeles, Honorable Stuart Rice presiding.

- 12 • *Ramos v. AEGIS Treatment Centers, LLC*, Case No. 20STCV41429, California

13 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding.

- 14 • *Valdez v. Integrated Building Services, Inc.* Case No. 20STCV37793, California

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

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

- 18 • *Flores v. Delta Apparel, Inc.*, Case No. BC641499, California Superior Court, County

19 of Los Angeles, Honorable Daniel J. Buckley, presiding.

- 20 • *Segura v. CJ Foods Service Holdings USA, LLC*, Case No. 19STCV24918, California

21 Superior Court, County of Los Angeles, Honorable Maureen Duffy-Lewis, presiding.

- 22 • *Sierra v. Nexem-Allied, LLC*, Case No. 20STCV11281, California Superior Court,

23 County of Los Angeles, Honorable Randolph M. Hammock, presiding.

- 24 • *Nodal v. Sodexo, Inc.*, Case No. 20STCV40601, California Superior Court, County of

25 Los Angeles, Honorable Lawrence Riff, presiding.

- 26 • *Cooper v. Lucas Health Partners*, Case No. 20STCV20050, California Superior Court,

27 County of Los Angeles, Honorable Maren Nelson, presiding.

- 28 • *Herrera v. Greystar Management, LP, et al.*, Case No. 37-2020-00009672-CU-OE-CTL,

1 California Superior Court, County of San Diego, Honorable Carolyn Caietti, presiding.

2 • *Slater v. Jo-Ann Stores, LLC.*, Case No. 21STCV18454, California Superior Court,
3 County of Los Angeles, Honorable Maurice A. Leiter, presiding;

4 • *Bolanos v. Canoga Park Heating & Air Conditioning, Co., Inc.*, Case No.
5 21STCV12674, California Superior Court, County of Los Angeles, Honorable Yolanda Orozco,
6 presiding.

7 • *Granados v. Cosmetic Ideas, Inc.* Case No. 21STCV10797, California Superior Court,
8 County of Los Angeles, Honorable Richard L. Fruin, presiding.

9 • *Ruano v. DPC Woodwork, Inc.* Case No. 21STCV00408, California Superior Court,
10 County of Los Angeles, Honorable Jon R. Takasugi presiding.

11 • *Tarin v. TPS Solutions, Inc.*, Case No. 21STCV07844, California Superior Court,
12 County of Los Angeles, Honorable Maren E. Nelson presiding.

13 17. Currently, my firm is acting as counsel in tens of wage and hour class actions and
14 representative PAGA actions.

15 18. After a thorough investigation and settlement discussions, Class Counsel arrived at
16 terms that they viewed was in the best interest of both the class members and the parties.

17 19. Should the Court refuse to grant preliminary approval of this Settlement, many of
18 the Class Members may be denied any recourse for defendants' alleged violations.

19 20. For these reasons, as well as the reasons provided in the declarations of co-counsel,
20 I believe that Class Counsel are sufficiently experienced and qualified to evaluate the class members'
21 claims and viability of defendants' defenses.

22 21. I believe, and as further set out in the declarations of co-counsel, the settlement
23 presented here only resulted after having engaged in extensive informal and formal discovery and
24 investigation, and is the product of hard-fought litigation and extensive arm's-length negotiations.

25 22. I believe, based on my experience as class counsel, that the Settlement is fair,
26 reasonable, adequate and in the best interests of class members. Therefore, I recommend this
27 settlement.

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I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct this December 5, 2023, at Beverly Hills, California.

David D. Bibiyan

David D. Bibiyan