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Attorneys for Plaintiff, OLIMPIA MEZA PELAYO,
EMILIO LOPEZ, and YURI MILON, on behalf of themselves
and all others similarly situated and aggrieved

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

YURI MILON, individually, and on behalf of
other members of the general public similarly
situated; OLIMPIA MEZA PELAYO,
individually, and on behalf of other members
of the general public similarly situated and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act; EMILIO LOPEZ, individually, and on
behalf of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the
California Private Attorneys General Act,

Plaintiffs,

v.

DAVID & ESPERANZA CHAVEZ
FAMILY LIMITED PARTNERSHIP DBA
CHAVEZ SUPERMARKET, a California
limited partnership; and DOES 1-50,
inclusive,

Defendants.

Case No. 20CV368379

Honorable Theodore C. Zayner
Department 19

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

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1 sponsor of that event.

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

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

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

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

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

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

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

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

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

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

28 • *Carrasco v. Pure Dental Solutions*, Case No. BC645995, Los Angeles Superior Court,

1 Honorable Kenneth R. Freeman, presiding.

2 • *Gonzalez v. Gochez, et al.*, Case No. BC648729, Los Angeles Superior Court, Honorable

3 Maren Nelson, presiding.

4 • *Montoya v. Superior Paving Co.*, Case No. CIVDS1833422, County of San Bernardino,

5 Honorable David S. Cohn, presiding.

6 • *Lopez v. Norred & Associates, Inc.*, Case No. CIVDS1824109, California Superior

7 Court, County of San Bernardino, David S. Cohn, presiding.

8 • *Noyola v. Lacren, LLC*, Case No. BC717024, California Superior Court, County of Los

9 Angeles, Hon. Anthony Mohr, presiding.

10 • *Luciano, et al. v. O'Tasty Foods, Inc., et al.*, Case No. BC711988, California Superior

11 Court, County of Los Angeles, Honorable Maren Nelson, presiding.

12 • *Gordon v. Hospice Source, LLC*, Case No. 34-2018-00250022-CU-OE-GDS, California

13 Superior Court, County of Sacramento, Honorable Christopher E. Krueger, presiding.

14 • *Barragan v. Refrigeration Supplies Distributor*, Case No. 19STCV09312, California

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

16 • *Ramirez v. Acre Gourmet, Inc.*, Case No. CGC-19-575117, California Superior Court,

17 County of San Francisco, Honorable Andrew Y.S. Cheng, presiding.

18 • *Villafuerte v. Bay Alarm Company*, Case No. BC689110, California Superior Court,

19 County of Los Angeles, Honorable Amy D. Hogue, presiding.

20 • *Cazares v. Areas USA LAX, LLC*, Case No. 19STCV08209, California Superior Court,

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

22 • *Magana v. Castlerock Environmental, Inc., et al.*, Case No. 19STCV38353, California

23 Superior Court, County of Los Angeles, Honorable Ann I. Jones, presiding.

24 • *Chilel v. Sushi California, Inc.*, Case No. 19STCV08209, California Superior Court,

25 County of Los Angeles, Honorable Ann I. Jones, presiding.

26 • *Malone v. Orange Courier, Inc., et al.*, Case No. 30-2016-00763474, California Superior

27 Court, County of Orange, Honorable Glenda Sanders, presiding.

28 • *Rivera v. Talamo Food Services, Inc.*, Case No. 19CV355856, California Superior Court,

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

1 OE-CXC, California Superior Court, County, County of Orange, Honorable Randall J. Sherman,
2 Presiding.

3 • *Smith v. McMillen Enterprises, Inc.*, Case No. CV-20-002938, California Superior Court,
4 County of Stanislaus, Honorable John R. Mayne, presiding.

5 • *Turner v. Plant Prefab Inc., et al.*, Case No. CIVDS2017517, California Superior Court,
6 County of San Bernardino, Honorable David Cohn, presiding.

7 • *Duran v. Fresh Select, LLC*, Case No. VCU284892, California Superior Court, County
8 of Tulare, Honorable Bret Hillman, presiding.

9 • *Reynoso, et al. v. Cream of the Crop AG Service, Inc.*, Case No. VCU278847, California
10 Superior Court, County of Tulare, Honorable Bret Hillman, presiding.

11 • *Michel v. Universal Waste Systems, Inc.*, Case No. 19STCV46181, California Superior
12 Court, County of Los Angeles, Honorable David S. Cunningham presiding.

13 • *Jungers v. U.S. Borax Inc., et al.*, Case No. BCV-21-10003, California Superior Court,
14 County of Kern, Honorable Bernard C. Barmann Jr. presiding.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 • *Santos, et al. v. Maruzen of America, Inc.*, Case No. 19STCV37662, California
14 Superior Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding.

15 • *Schaffino v. M.O. Dion & Sons., Inc., et al.*, Case No. 20STCV38023, California
16 Superior Court, County of Los Angeles, Honorable Gail Killefer presiding.

17 • *Moreno v. Santa Paula Post Acute, LLC, et al.* Case No. 21STCV12533, California
18 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding.

19 • *Singer v. Desert Area Resources and Training*, Case No. BCV-21-101093, California
20 Superior Court, County of Kern, Honorable Thomas S. Clark presiding.

21 • *Clarizio v. Guard-Systems, Inc.*, Case No. 21STCV28667, California Superior Court,
22 County of Los Angeles, Honorable Armen Tamzarian presiding.

23 • *Guzman v. Freschco Painters, Inc.*, Case No. 21STCV04683, California Superior
24 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding.

25 • *Koutny v. PAE Aviation and Technical Services, LLC*, Case No. 21C-0106, California
26 Superior Court, County of Kings, Honorable Melissa R. D’Morias presiding

27 • *Rodriguez v. Pacifica Trucks, LLC*, Case No. 20STCV37576, California Superior
28 Court, County of Los Angeles, Honorable Stuart Rice presiding.

1 • *Ramos v. AEGIS Treatment Centers, LLC*, Case No. 20STCV41429, California
2 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding.

3 • *Valdez v. Integrated Building Services, Inc.* Case No. 20STCV37793, California Superior
4 Court, County of Los Angeles, Honorable Elihu M. Berle presiding.

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

7 • *Flores v. Delta Apparel, Inc.*, Case No. BC641499, California Superior Court, County
8 of Los Angeles, Honorable Daniel J. Buckley, presiding.

9 • *Segura v. CJ Foods Service Holdings USA, LLC*, Case No. 19STCV24918, California
10 Superior Court, County of Los Angeles, Honorable Maureen Duffy-Lewis, presiding.

11 • *Sierra v. Nexem-Allied, LLC*, Case No. 20STCV11281, California Superior Court,
12 County of Los Angeles, Honorable Randolph M. Hammock, presiding.

13 • *Nodal v. Sodexo, Inc.*, Case No. 20STCV40601, California Superior Court, County of
14 Los Angeles, Honorable Lawrence Riff, presiding.

15 • *Cooper v. Lucas Health Partners*, Case No. 20STCV20050, California Superior Court,
16 County of Los Angeles, Honorable Maren Nelson, presiding.

17 • *Herrera v. Greystar Management, LP, et al.*, Case No. 37-2020-00009672-CU-OE-CTL,
18 California Superior Court, County of San Diego, Honorable Carolyn Caietti, presiding.

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

21 • *Bolanos v. Canoga Park Heating & Air Conditioning, Co., Inc.*, Case No.
22 21STCV12674, California Superior Court, County of Los Angeles, Honorable Yolanda Orozco,
23 presiding.

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

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

28 • *Tarin v. TPS Solutions, Inc.*, Case No. 21STCV07844, California Superior Court,

1 County of Los Angeles, Honorable Maren E. Nelson presiding

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

4 14. After a thorough investigation and settlement discussions, my office arrived at
5 terms that we viewed was in the best interest of both the class members and the parties.

6 15. Should the Court refuse to grant preliminary approval of this Settlement, many of
7 the Class Members may be denied any recourse for defendant's alleged violations.

8 16. For these reasons, as well as the reasons provided in the Declaration of Yasmin
9 Hosseini, I believe that my office is sufficiently experienced and qualified to evaluate the class
10 members' claims and viability of defendant's defenses.

11 17. I believe, and as further set out in the Declaration of Yasmin Hosseini, the settlement
12 presented here only resulted after having engaged in extensive informal and formal discovery and
13 investigation, and is the product of hard-fought litigation and extensive arm's-length negotiations.

14 18. I believe, based on my experience as class counsel, that the Settlement is fair,
15 reasonable, adequate and in the best interests of class members.

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17 I declare under penalty of perjury under the laws of the state of California that the foregoing
18 is true and correct this 15th day of May 2024, at Los Angeles, California.

19 *David D. Bibiyan*

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21 David D. Bibiyan
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