

Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Christine S. Lee (State Bar No. 339947)
christine@diversitylaw.com
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiff Jared Deaver and the Class
(ADDITIONAL COUNSEL ON NEXT PAGE)

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

JARED DEEVER, as an individual and on
behalf of all others similarly situated,

Plaintiff,

v.

BLUE DIAMOND GROWERS, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Lead Case No. 34-2022-00316490-CU-OE-
GDS

[Consolidated with Case No. 34-2021-
00304425-CU-OE-GDS and Case No. 34-2022-
00319378]

*Assigned for All Purposes to Honorable
Lauri A. Damrell in Dept 22*

**DECLARATION OF EDWARD W. CHOI
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: January 31, 2025

Time: 9:00 a.m.

Department: 22

RES. ID: A-316490-001

Action Filed: March 9, 2022

Trial Date: None yet

AND RELATED CONSOLIDATED CASES.

ADDITIONAL COUNSEL

William L. Marder (SBN 170131)

bill@polarislawgroup.com

POLARIS LAW GROUP

501 San Benito Street, Suite 200

Hollister, CA 95023

Telephone: (831) 531-4214

Facsimile: (831) 634-0333

Edward W. Choi, Esq. SBN 211334

edward.choi@choiandassociates.com

LAW OFFICES OF CHOI & ASSOCIATES

515 S. Figueroa St., Suite 1250

Los Angeles, CA 90071

Telephone: (213) 381-1515

Facsimile: (213) 465-4885

Attorneys for Plaintiff Jared Deaver and the Class

David Bibiyan, SBN 287811

david@tomorrowlaw.com

Jeffrey D. Klein, SBN 297296

Jeff@tomorrowlaw.com

Vedang J. Patel, SBN 328647

vedang@tomorrowlaw.com

Bibiyan Law Group, P.C.

8484 Wilshire Blvd., Suite 500

Beverly Hills, CA 90211

Telephone: (310) 556-4811

Attorneys for Plaintiffs

Daniel Ramirez and Brad Smith, et al.

Zachary M. Crosner (SBN 272295)

zach@crosnerlegal.com

Brandon Brouillette (SBN 273156)

bbrouillette@crosnerlegal.com

Chad Saunders (SBN 257810)

chad@crosnerlegal.com

CROSNER LEGAL, PC

9440 Santa Monica Blvd. Suite 301

Beverly Hills, CA 90210

Tel: (866) 276-7637

Co-Counsel for Plaintiffs

Daniel Ramirez and Brad Smith, et al.

1 I, Edward W. Choi, declare as follows:

2 1. I am an individual over the age of 18. I am one of the attorneys of record for
3 Plaintiff JARED DEEVER (hereinafter referred to as "Plaintiff"). I have personal knowledge
4 of the facts set forth below and if called to testify I could and would do so competently.

5 **LITIGATION SUMMARY**

6 2. On February 28, 2022, Plaintiff submitted a letter to the California Labor &
7 Workforce Development Agency ("LWDA") initiating administrative exhaustion of his claim
8 for civil penalties under the Private Attorneys' General Act, California Labor Code § 2699.3
9 ("PAGA") based on any and all of the Labor Code violations alleged in his class action
10 Complaint. (Attached hereto as Exhibit A is a true and correct copy of the February 28, 2022
11 PAGA letter).

12 3. On March 2, 2022, Plaintiff filed a Class Action Complaint for failure to provide
13 accurate itemized wage statements in violation of Labor Code § 226 ("Class Action").

14 4. On May 4, 2022, Plaintiff also filed a complaint asserting a single cause of action
15 under the Private Attorneys General Act for violation of Labor Code § 2698, et seq. on the same
16 allegations, Superior Court of California, County of Sacramento, Case No. 34-2022-00319378
17 ("PAGA Action").

18 5. On December 12, 2022, the Class Action and PAGA Action were deemed related
19 and consolidated ("*Deaver Action*").

20 6. In September 2022, Plaintiff served formal written discovery on Defendant and
21 received written responses thereto. In October 2022, Plaintiff served a notice of taking the
22 deposition of Defendant's person most knowledgeable. Thereafter, the Parties agreed to engage
23 in private mediation and the Parties engaged in informal discovery to obtain data necessary to
24 conduct an exposure analysis.

25 7. On March 24, 2023, the Parties engaged in private mediation with well-respected
26 mediator, Honorable Brian Walsh (Ret.). The mediation did not result in settlement.

27 8. On or about June 30, 2023, Defendant filed a Notice of Related Cases,
28 identifying *Ramirez, et al v. Blue Diamond Growers*, Case No. 34-2021-00304425-CU-OE-

1 GDS (“*Ramirez Action*”). On or about October 6, 2023, the *Ramirez Action* and the *Deaver*
2 *Action* were consolidated.

3 9. On May 14, 2024, the Parties participated in a full day mediation with Honorable
4 Daniel J. Buckley (Ret.), which resulted in a settlement of this matter.

5 10. After months of negotiating the settlement terms, the Parties finalized and
6 executed the Settlement Agreement and Release (“Settlement Agreement”) setting forth the
7 settlement terms now before the Court for approval.

8 11. From the inception of the case, Plaintiffs’ Counsel have zealously represented the
9 interests of Plaintiffs and the class members. The settlement was obtained for the benefit of the
10 class, as opposed to the individual Plaintiffs. Based on my review of all the information, and
11 based on my experience in wage and hour litigation, I believe this settlement to be fair,
12 adequate, and reasonable.

13 **ATTORNEY QUALIFICATIONS, FEES AND COSTS**

14 12. I am one of the primary attorneys on this matter. My qualifications are as
15 follows: I received my *Juris Doctorate* degree from UCLA Law School in 2000. Upon
16 graduation, I joined the law firm of Lee & Associates in Los Angeles, California as an associate.
17 I started my own practice in October 2004.

18 13. During the course of my practice, I have primarily represented consumers and
19 employees. I have handled numerous wage and hour cases during my career and have been
20 certified as class counsel and granted final approval in numerous cases, including, but not
21 limited to, *Choi, et al. v. Midway International Inc., et al.* Los Angeles Superior Court
22 (“LASC”) Case No. BC394495; *Garcia, et al. v. RGIS, LLC, et al.* LASC Case No. BC 425624;
23 *Choi v. Mazda, et al.* LASC Case No. BC 391638; *Cabrera v. Frazee, et al.* LASC Case No. BC
24 440309; *Vo, et al. v. The Party Staff, et al.* OCSC Case No. 30-2011-00444836-CU-OE-CXC;
25 *Oh, et al. v. Best Coach Technologies, Inc., et al.* LASC Case No. BC 462848; *Rawley v.*
26 *Freedom Mortgage, Inc.* Orange County Superior Court Case No. 30-2014-00724164-CU-OE-
27 CXC; *Mendez v. Stevenson Restaurant, Inc.* LASC Case No. BC536766; *Castro v. Continental*
28 *Airlines, Inc.* United States District Court, Case No. 2:14-cv-00169-SVW-AGR; *Barreras v.*

1 *Michaels Stores, Inc.* USDC – Northern District Case No. C12-04474 PJH; *Kim v. Kabuki*,
2 LASC Case No. BC511049; *Dynabursky v. AlliedBarton Security Services, LP, et al.*, SACV
3 12-02210 JST (RNBx); *Avilez v. Pinkerton Government Services*, United States District Court,
4 Case No. SACV 11-0493-DOC (JCGx); *Brown v. CVS Caremark, et al.* United States District
5 Court, Central District, Case No.: 2:15-cv-07631-JFW-PJW; *Wu v. General Nutrition Orange*
6 *County Superior Court Case No. 30-2012-00593759-CU-OE-CXC*; *Hernandez v. Pei Wei Asian*
7 *Diner, LLC*, United States District Court, Case No.: 8:17-cv-00679 JLS (JCGx); 8:17-cv-00679
8 JLS (JCGx); *Son v. Phillips Steel*, Los Angeles Superior Court, Case No. BC 675988 and *Song*
9 *v. THC – Orange County, Inc.* United States District Court, Case No. 8:17-cv-00965-JLS-DFM.

10 14. Pursuant to a previously signed agreement by all plaintiffs and their counsel,
11 Plaintiffs' Counsel will be splitting the approved fees as follows: 35% to the Bibyan Law
12 Group, P.C.; 35% to Crosner Legal, P.C.; 9.75% to Diversity Law Group; 9.75% to the Law
13 Offices of Choi & Associates and 10.5% to the Polaris Law Group.

14 15. Pursuant to Local Rule 2.99.05, I have reviewed the checklist for approval of
15 class action settlement for the Complex Litigation Department and believe that the Settlement
16 Agreement complies with the same.

17
18 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
19 January 3, 2025, at Los Angeles, California.

20
21 

22 Edward W. Choi
23
24
25
26
27
28