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9

10 **SUPERIOR COURT OF CALIFORNIA**
11 **COUNTY OF SACRAMENTO**
12

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

15 Plaintiffs,

16 v.

17 BLUE DIAMOND GROWERS, a California
corporation; et al,

18 Defendants.
19

20 AND RELATED CONSOLIDATED CASES.
21

Case No. 34-2022-00316490-CU-OE-GDS
(Consolidated with Case Nos. 34-2022-
00319378-CU-OE-GDS and 34-2021-
00304425-CU-OE-GDS)

Assigned to Hon. Lauri A. Damrell, Dept. 22

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

Date: ____, 2025
Time: 9:00 a.m.
Dept.: 22
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1 I. **DECLARATION OF DAVID D. BIBIYAN**

2 I, David D. Bibiyan, state and declare, as follows:

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

8 **Class Counsel are Experienced Class Action Litigators**

9 2. Class Counsel are experienced class action attorneys, have been appointed as class counsel
10 in other class actions, and have a successful track record in litigating class actions.

11 3. I graduated with a Bachelor of Arts degree from the University of California, Los Angeles
12 in 2009.

13 4. I received my Juris Doctorate from The University of Chicago Law School in 2012.

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

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

22 7. In fact, I recently created the content for, helped organize, and served as the Moderator for
23 the 2023 California Complex Symposium Wage and Hour/PAGA Section, a Continuing Legal Education
24 seminar and forum featuring four respected Judges serving in the Complex Divisions of their respective
25 county Superior Courts. In addition, my firm served as a sponsor of that event.

26 8. Not only have I practiced almost exclusively in this field for years and have contributed to
27 the legal education curriculum for attorneys practicing within it, I am also a published author in the Daily
28 Journal as a contributor in the Wage and Hour and PAGA context, including, in December 15, an article

1 entitled: “PAGA: What’s Gone, What’s Left and What’s Next.” I have also been a quoted source in multiple
2 other publications, including in article pushed by Bloomberg Law dated November 1, 2023 entitled: “Adidas,
3 Home Depot Sued in Test Cases on Job Ad Pay Transparency.”

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

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

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

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

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

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

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

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

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

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

25 • *Gonzalez v. Gochez, et al.*, Case No. BC648729, Los Angeles Superior Court, Honorable Maren
26 Nelson, presiding;

27 • *Montoya v. Superior Paving Co.*, Case No. CIVDS1833422, County of San Bernardino,
28 Honorable David S. Cohn, presiding;

1 • *Lopez v. Norred & Associates, Inc.*, Case No. CIVDS1824109, California Superior Court, County
2 of San Bernardino, David S. Cohn, presiding;

3 • *Noyola v. Lacren, LLC*, Case No. BC717024, California Superior Court, County of Los Angeles,
4 Hon. Anthony Mohr, presiding;

5 • *Luciano, et al. v. O'Tasty Foods, Inc., et al.*, Case No. BC711988, California Superior Court,
6 County of Los Angeles, Honorable Maren Nelson, presiding;

7 • *Gordon v. Hospice Source, LLC*, Case No. 34-2018-00250022-CU-OE-GDS, California Superior
8 Court, County of Sacramento, Honorable Christopher E. Krueger, presiding;

9 • *Barragan v. Refrigeration Supplies Distributor*, Case No. 19STCV09312, California Superior
10 Court, County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;

11 • *Ramirez v. Acre Gourmet, Inc.*, Case No. CGC-19-575117, California Superior Court, County of
12 San Francisco, Honorable Andrew Y.S. Cheng, presiding;

13 • *Villafuerte v. Bay Alarm Company*, Case No. BC689110, California Superior Court, County of
14 Los Angeles, Honorable Amy D. Hogue, presiding;

15 • *Cazares v. Areas USA LAX, LLC*, Case No. 19STCV08209, California Superior Court, County of
16 Los Angeles, Honorable Carolyn B. Kuhl, presiding;

17 • *Magana v. Castlerock Environmental, Inc., et al.*, Case No. 19STCV38353, California Superior
18 Court, County of Los Angeles, Honorable Ann I. Jones, presiding;

19 • *Chilel v. Sushi California, Inc.*, Case No. 19STCV08209, California Superior Court, County of
20 Los Angeles, Honorable Ann I. Jones, presiding;

21 • *Malone v. Orange Courier, Inc., et al.*, Case No. 30-2016-00763474, California Superior Court,
22 County of Orange, Honorable Glenda Sanders, presiding;

23 • *Rivera v. Talamo Food Services, Inc.*, Case No. 19CV355856, California Superior Court, County
24 of Santa Clara, Honorable Patricia M. Lucas, presiding;

25 • *Olguin v. Cal Central Harvesting, Inc.*, Case No. 18CV03860, California Superior Court, County
26 of Santa Barbara, Honorable James F. Rigali, presiding;

27 • *Pence v. Sober Living by the Sea, Inc.*, Case No. 2018-00988742, California Superior Court,
28 County of Orange, Honorable Randall J. Sherman, presiding;

1 • *Franco v. Vincent Rags, Inc.*, Case No. 20STCV07768, California Superior Court, County of Los
2 Angeles, Honorable Ann I. Jones, presiding;

3 • *Cabral v. Miller Castings, Inc.*, Case No. 19STCV39556, California Superior Court, County of
4 Los Angeles, Honorable Carolyn B. Kuhl, presiding;

5 • *Bolanos v. Texas Roadhouse, Inc.*, Case No. 19STCV39556, California Superior Court, County
6 of Los Angeles, Honorable Sunshine Sykes, presiding;

7 • *Rodriguez v. Scott A. Humphreys, Inc.*, Case No. 30-2021-01184556-CU-OE-CXC, California
8 Superior Court, County of Ventura, Honorable Matthew P. Guasco, presiding; and

9 • *Torres v. Primal Pet Foods, Inc.* Case No. FCS054783, California Superior Court, County of
10 Solano, Honorable Wendy G. Getty, presiding;

11 • *Hanson v. Zapata Nuccio, Inc.*, Case No. 20STCV28951, California Superior Court, County of
12 Los Angeles, Honorable Elihu M. Berle, presiding;

13 • *Molina v. Avibank Mfg, Inc.*, Case No. 20STCV03910, California Superior Court, County of Los
14 Angeles, Honorable John P. Doyle, presiding;

15 • *Cetina v. Lawry's Restaurants, Inc.*, Case No. 19STCV05201, California Superior Court, County
16 of Los Angeles, Honorable Amy D. Hogue, presiding;

17 • *Luna v. Pronto California General Agency, LLC*, Case No. 19STCV39951, California Superior
18 Court, County of Los Angeles, Honorable Elihu M. Berle, presiding;

19 • *Alvarez v. Kazak-Mars, Inc.*, Case No. 20STCV42587, California Superior Court, County of Los
20 Angeles, Honorable Elihu M. Berle, presiding;

21 • *Noe v. My Pillow, Inc.* Case No. CIVDS 2011360, California Superior Court, County of San
22 Bernardino, Honorable David Cohn, presiding;

23 • *Nunez v. 2751 West Coast Acquisition Company*, Case No. 30-2020-01145215-CU-
24 OE-CXC, California Superior Court, County, County of Orange, Honorable Randall J. Sherman,
25 Presiding;

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

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

1 of San Bernardino, Honorable David Cohn, presiding;

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

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

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

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

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

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

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

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

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

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

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

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

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

28 • *Garcia v. Inwesco Incorporated.* Case No. 20STCV46833, California Superior Court, County of

1 Los Angeles, Honorable Carolyn B. Kuhl presiding;
2 • *Guevara v. J&K Culver, LLC, et al.* Case No. 19STCV39951, California Superior Court, County
3 of Los Angeles, Honorable Elihu M. Berle presiding;
4 • *Hamilton v. Michael Kors Stores, Inc. et al.*, Case No. 19STCV37061, California Superior Court,
5 County of Los Angeles, Honorable Yvette M. Palazuelos presiding;
6 • *Arzooian v. A&M Administration, LLC, et al.* Case No. 21STCV05576, California Superior Court,
7 County of Los Angeles, Honorable Yvette M. Palazuelos presiding;
8 • *Santos, et al. v. Maruzen of America, Inc.*, Case No. 19STCV37662, California Superior Court,
9 County of Los Angeles, Honorable Kenneth R. Freeman presiding;
10 • *Schaffino v. M.O. Dion & Sons., Inc., et al.*, Case No. 20STCV38023, California Superior Court,
11 County of Los Angeles, Honorable Gail Killefer presiding;
12 • *Moreno v. Santa Paula Post Acute, LLC, et al.* Case No. 21STCV12533, California Superior
13 Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;
14 • *Singer v. Desert Area Resources and Training*, Case No. BCV-21-101093, California Superior
15 Court, County of Kern, Honorable Thomas S. Clark presiding;
16 • *Clarizio v. Guard-Systems, Inc.*, Case No. 21STCV28667, California Superior Court, County of
17 Los Angeles, Honorable Armen Tamzarian presiding;
18 • *Guzman v. Freschco Painters, Inc.*, Case No. 21STCV04683, California Superior Court, County
19 of Los Angeles, Honorable Lawrence P. Riff presiding;
20 • *Koutny v. PAE Aviation and Technical Services, LLC*, Case No. 21C-0106, California Superior
21 Court, County of Kings, Honorable Melissa R. D’Morias presiding;
22 • *Rodriguez v. Pacifica Trucks, LLC*, Case No. 20STCV37576, California Superior Court, County
23 of Los Angeles, Honorable Stuart Rice presiding;
24 • *Ramos v. AEGIS Treatment Centers, LLC*, Case No. 20STCV41429, California Superior Court,
25 County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
26 • *Valdez v. Integrated Building Services, Inc.* Case No. 20STCV37793, California Superior Court,
27 County of Los Angeles, Honorable Elihu M. Berle presiding;
28 • *Harris v. America One Security, Inc.* Case No. 21STCV01399, California Superior Court,

1 County of Los Angeles, Honorable Lawrence P. Riff presiding;
2 • *Moreno v. M&J Seafood Company, Inc.* Case No. 22STCV03341, California Superior Court,
3 County of Los Angeles, Honorable William F. Highberger presiding;
4 • *Corrales v. Q&B Foods, Inc.* Case No. 20STCV40885, California Superior Court, County of Los
5 Angeles, Honorable Elihu Berle presiding;
6 • *Arteaga v. Demolition Specialist, Inc.* Case No. RIC2001133, California Superior Court, County
7 of Riverside, Honorable Harold Hopp presiding;
8 • *Vigil, et al. v. Capstone Turbine Corporation*, Case No. 20STCV32123, California Superior
9 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;
10 • *Ramirez v. Sea-Win, Inc.* Case No. 21STCV22026, California Superior Court, County of Los
11 Angeles, Honorable Lawrence P. Riff presiding;
12 • *Ortega Chavez v. Winpak Lane, Inc.* Case No. CIVSB2207313, California Superior Court,
13 County of San Bernardino, Honorable Jessica Morgan presiding;
14 • *Garcia v. American Licorice Company.* Case No. RG21107049, California Superior Court,
15 County of Alameda, Honorable Brad Seligman presiding;
16 • *Madrono v. Vitale Nursing, Inc, et al.*, Case No. 21STCV09845, California Superior Court,
17 County of Los Angeles, Honorable Lawrence P. Riff presiding; and
18 • *Orellana v. Advanced Building Maintenance.* Case No. 34-2020-00286791-CU-OE-GDS,
19 California Superior Court, County of Sacramento, Honorable Jill Talley presiding.
20 • *Aguilar v. Bioness, Inc., et al.*, Case No. 21STCV41702, California Superior Court, County of
21 Los Angeles, Honorable Lawrence P. Riff presiding;
22 • *Antoine v. Pinky Beverly Hills, LLC., et al.* Case No. 19STCV44856, California Superior Court,
23 County of Los Angeles, Honorable Lawrence P. Riff presiding;
24 • *Phambui v. Fashion Marketing and Merchandising Group, Inc., et al.* Case No. 21STCV06634,
25 Superior Court, County of Los Angeles, Honorable Stuart M. Rice presiding;
26 • *Ortega Chavez v. Winpak Lane, Inc., et al.* Case No. CIVSB2202274, California Superior Court,
27 County of San Bernardino, Honorable Jessica Morgan presiding;
28 • *Carrasco v O.H. Barkhordar D.D.S., Inc., et al.* Case No. 22STCV21188, California Superior

1 Court, County of Los Angeles, Honorable Lawrence Riff presiding;

- 2 • *Correia v. Gallo Glass Company, et al. Case No. CV-21-006459*, California Superior Court,

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

- 4 • *Davis v. Beeline Import and Services, LLC, et al. Case No. CIVSB2119287*, California Superior

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

- 6 • *Angel Lopez v Innovative Coatings Technology Corporation dba Incotec, et al. Case No. 30-2020-*

7 *01173245-CU-OE-CXC*, California Superior Court, County of Orange, Honorable Lon Hurwitz presiding;

- 8 • *Lopez v UPM, Inc., et al. Case No. 20STCV36695*, California Superior Court, County of Los

9 Angeles, Honorable Lawrence P. Riff presiding;

- 10 • *Moreno v. Infiniti Group LLC., et al. Case No. CIVSB2223551*, California Superior Court, County

11 of San Bernardino, Honorable Joseph T. Ortiz presiding;

- 12 • *Kelley v. Applus Technologies, Inc., et al. Case No. CIVSB2204889*, California Superior Court,

13 County of San Bernardino, honorable Jessica Morgan presiding;

- 14 • *Hernandez v Bromley Foods, Inc., et al. Case No. 56-2021-00561326-CU-OE-VTA*, California

15 Superior Court, County of Ventura, Honorable Henr Walsh presiding;

- 16 • *Heredia v. Alan Smith Pool Plastering, Inc., et al. Case No. 30-2020-01163609-CU-OE-CXC*,

17 California Superior Court, County of Orange, Honorable Randall J. Sherman presiding;

- 18 • *Martinez Guzman v Freshco Painters Inc., et al. Case No. 21STCV04683*, California Superior

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

- 20 • *Gomez Mireles v. USG Ceilings Plus, LLC., et al. Case No. 21STCV45606*, California Superior

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

- 22 • *Garzon v. Mobile Hi-Tech Wheels, LLC., et al., Case No. 21STCV15396*, California Superior

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

- 24 • *Dethrasavong v. ASI Computer Technologies, Inc., et al. Case No. 20STCV32312*, California

25 Superior Court, County of Contra Costa, Honorable Kenneth R. Freeman presiding;

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

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

1 of Los Angeles, Honorable Daniel J. Buckley, presiding;

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

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

6 • *Nodal v. Sodexo, Inc.*, Case No. 20STCV40601, California Superior Court, County of Los
7 Angeles, Honorable Lawrence Riff, presiding; and

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

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

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

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

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

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

20 • *Hardy v. Texas Roadhouse Management Corp., et al.* Case No. CIVSB2222259, California
21 Superior Court, County of San Bernardino, Honorable Jessica Morgan presiding;

22 • *Iraheta v Legacy Farmers, Inc., et al.* Case No. MSC21-00762, California Superior Court, County
23 of Los Angeles, Honorable Charles S. Treat presiding;

24 • *Landin v Central Janitors' Supply Co., Inc., et al.* Case No. CV-21-006391, California Superior
25 Court, County of Stanislaus, Honorable Sonny S. Sandhu presiding;

26 12. I believe that I am sufficiently experienced and qualified to evaluate the Class Members'
27 claims and viability of Defendants' defenses.

28 13. I declare under penalty of perjury under the laws of the state of California that the foregoing

1 is true and correct this 7th day of January 2025, at Los Angeles, California.

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3 *David D. Bibiyan*

4 David D. Bibiyan

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