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Attorneys for Plaintiffs, JENNIFER MONTOYA  
and JUAN MANSO GONTEZ, on behalf of themselves  
and all others similarly situated and aggrieved

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

JENNIFER MONTOYA and JUAN MANSO  
GONTEZ, individuals, on behalf of  
themselves and on behalf of all persons  
similarly situated,

Plaintiffs,

v.

FPR II, L.L.C., dba LEADPOINT  
BUSINESS SERVICES, a Limited Liability  
Company; and DOES 1 through 50,  
inclusive,

Defendants.

Case No.: 22CV404499

[Assigned for all purposes to the Hon. Theodore  
C. Zayner in Dept. 19]

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

HEARING INFORMATION:

DATE: April 2, 2025  
TIME: 1:30 p.m.  
DEPT: 19

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1 published author in the Daily Journal as a contributor in the Wage and Hour and PAGA context,  
2 including, in December 15, an article entitled: “PAGA: What’s Gone, What’s Left and What’s  
3 Next.” I have also been a quoted source in multiple other publications, including in article pushed  
4 by Bloomberg Law dated November 1, 2023 entitled: “Adidas, Home Depot Sued in Test Cases  
5 on Job Ad Pay Transparency.”

6 8. My firm has the experience, resources, and means necessary to allow us to provide  
7 adequate representation as Class Counsel to all class members in this litigation. With  
8 approximately 30 attorneys, as well as supporting staff consisting of paralegals and legal  
9 assistants, my office has the capacity to represent hundreds of thousands of class members, bring  
10 forth efficient resolution of class actions and PAGA actions, engage in complex litigation, file  
11 contested motions for class certification, and engage in trial practice.

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

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

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

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

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

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

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

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1           • *Mata v. Sahara Scaffold, Inc.*, Case No. CIVDS1810785, California Superior Court,  
2 County of San Bernardino, Honorable David S. Cohn, presiding;  
3           • *Carrasco v. Pure Dental Solutions*, Case No. BC645995, Los Angeles Superior Court,  
4 Honorable Kenneth R. Freeman, presiding;  
5           • *Gonzalez v. Gochez, et al.*, Case No. BC648729, Los Angeles Superior Court, Honorable  
6 Maren Nelson, presiding;  
7           • *Montoya v. Superior Paving Co.*, Case No. CIVDS1833422, County of San Bernardino,  
8 Honorable David S. Cohn, presiding;  
9           • *Lopez v. Norred & Associates, Inc.*, Case No. CIVDS1824109, California Superior  
10 Court, County of San Bernardino, David S. Cohn, presiding;  
11           • *Noyola v. Lacren, LLC*, Case No. BC717024, California Superior Court, County of Los  
12 Angeles, Hon. Anthony Mohr, presiding;  
13           • *Luciano, et al. v. O'Tasty Foods, Inc., et al.*, Case No. BC711988, California Superior  
14 Court, County of Los Angeles, Honorable Maren Nelson, presiding;  
15           • *Gordon v. Hospice Source, LLC*, Case No. 34-2018-00250022-CU-OE-GDS, California  
16 Superior Court, County of Sacramento, Honorable Christopher E. Krueger, presiding;  
17           • *Barragan v. Refrigeration Supplies Distributor*, Case No. 19STCV09312, California  
18 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;  
19           • *Ramirez v. Acre Gourmet, Inc.*, Case No. CGC-19-575117, California Superior Court,  
20 County of San Francisco, Honorable Andrew Y.S. Cheng, presiding;  
21           • *Villafuerte v. Bay Alarm Company*, Case No. BC689110, California Superior Court,  
22 County of Los Angeles, Honorable Amy D. Hogue, presiding;  
23           • *Cazares v. Areas USA LAX, LLC*, Case No. 19STCV08209, California Superior Court,  
24 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;  
25           • *Magana v. Castlerock Environmental, Inc., et al.*, Case No. 19STCV38353, California  
26 Superior Court, County of Los Angeles, Honorable Ann I. Jones, presiding;  
27           • *Chilel v. Sushi California, Inc.*, Case No. 19STCV08209, California Superior Court,  
28 County of Los Angeles, Honorable Ann I. Jones, presiding;

1           • *Malone v. Orange Courier, Inc., et al.*, Case No. 30-2016-00763474, California Superior  
2 Court, County of Orange, Honorable Glenda Sanders, presiding;  
3           • *Rivera v. Talamo Food Services, Inc.*, Case No. 19CV355856, California Superior Court,  
4 County of Santa Clara, Honorable Patricia M. Lucas, presiding;  
5           • *Olguin v. Cal Central Harvesting, Inc.*, Case No. 18CV03860, California Superior Court,  
6 County of Santa Barbara, Honorable James F. Rigali, presiding;  
7           • *Pence v. Sober Living by the Sea, Inc.*, Case No. 2018-00988742, California Superior  
8 Court, County of Orange, Honorable Randall J. Sherman, presiding;  
9           • *Franco v. Vincent Rags, Inc.*, Case No. 20STCV07768, California Superior Court,  
10 County of Los Angeles, Honorable Ann I. Jones, presiding;  
11           • *Cabral v. Miller Castings, Inc.*, Case No. 19STCV39556, California Superior Court,  
12 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;  
13           • *Bolanos v. Texas Roadhouse, Inc.*, Case No. 19STCV39556, California Superior Court,  
14 County of Los Angeles, Honorable Sunshine Sykes, presiding;  
15           • *Rodriguez v. Scott A. Humphreys, Inc.*, Case No. 30-2021-01184556-CU-OE-CXC,  
16 California Superior Court, County of Ventura, Honorable Matthew P. Guasco, presiding; and  
17           • *Torres v. Primal Pet Foods, Inc.* Case No. FCS054783, California Superior Court,  
18 County of Solano, Honorable Wendy G. Getty, presiding;  
19           • *Hanson v. Zapata Nuccio, Inc.*, Case No. 20STCV28951, California Superior Court,  
20 County of Los Angeles, Honorable Elihu M. Berle, presiding;  
21           • *Molina v. Avibank Mfg, Inc.*, Case No. 20STCV03910, California Superior Court,  
22 County of Los Angeles, Honorable John P. Doyle, presiding;  
23           • *Cetina v. Lawry's Restaurants, Inc.*, Case No. 19STCV05201, California Superior Court,  
24 County of Los Angeles, Honorable Amy D. Hogue, presiding;  
25           • *Luna v. Pronto California General Agency, LLC*, Case No. 19STCV39951, California  
26 Superior Court, County of Los Angeles, Honorable Elihu M. Berle, presiding;  
27           • *Alvarez v. Kazak-Mars, Inc.*, Case No. 20STCV42587, California Superior Court,  
28 County of Los Angeles, Honorable Elihu M. Berle, presiding;

1           • *Noe v. My Pillow, Inc.* Case No. CIVDS 2011360, California Superior Court, County of  
2 San Bernardino, Honorable David Cohn, presiding;  
3           • *Nunez v. 2751 West Coast Acquisition Company*, Case No. 30-2020-01145215-CU-  
4 OE-CXC, California Superior Court, County, County of Orange, Honorable Randall J. Sherman,  
5 Presiding;  
6           • *Smith v. McMillen Enterprises, Inc.*, Case No. CV-20-002938, California Superior Court,  
7 County of Stanislaus, Honorable John R. Mayne, presiding;  
8           • *Turner v. Plant Prefab Inc., et al.*, Case No. CIVDS2017517, California Superior Court,  
9 County of San Bernardino, Honorable David Cohn, presiding;  
10          • *Duran v. Fresh Select, LLC*, Case No. VCU284892, California Superior Court, County  
11 of Tulare, Honorable Bret Hillman, presiding;  
12          • *Reynoso, et al. v. Cream of the Crop AG Service, Inc.*, Case No. VCU278847, California  
13 Superior Court, County of Tulare, Honorable Bret Hillman, presiding;  
14          • *Michel v. Universal Waste Systems, Inc.*, Case No. 19STCV46181, California Superior  
15 Court, County of Los Angeles, Honorable David S. Cunningham presiding;  
16          • *Jungers v. U.S. Borax Inc., et al.*, Case No. BCV-21-10003, California Superior Court,  
17 County of Kern, Honorable Bernard C. Barmann Jr. presiding;  
18          • *Fortune v. Amoroso Limited Partnership, et al.*, Case No. 20STCV25874, California  
19 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;  
20          • *Montoya, et al. v. Remo, Inc.* Case No. 20STCV34614, California Superior Court,  
21 County of Los Angeles, Honorable Maren Nelson presiding;  
22          • *Rincon, et al. v. New-Indy Tripaq, LLC, et al.* Case No. 20STCV17118, California  
23 Superior Court, County of Los Angeles, Honorable Maren Nelson presiding;  
24          • *De Leon, et al. v. Wismettac Asian Foods, Inc.* Case No. 19STCV18172, California  
25 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;  
26          • *Tapia v. Mercer Foods, Inc.* Case No. CV-21-000020, California Superior Court,  
27 County of Stanislaus, Honorable Sonny S. Sandhu presiding;  
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- 1           • *Molina v. Reser's Fine Foods, Inc.* Case No. 37-2021-00013052-CU-OECTL, California  
2 Superior Court, County of San Diego, Honorable Eddie C. Sturgeon presiding;
- 3           • *Reyes v. Imperial Sprinkler Supply, Inc.* Case No. 30-2020-01167748-CU-OE-CXC,  
4 California Superior Court, County of Los Angeles, Honorable Peter Wilson presiding;
- 5           • *Zavala, et al. v. PLS Check Cashers, Inc.* Case No. 20STCV42586, California Superior  
6 Court, County of Los Angeles, Honorable Elihu M. Berle presiding;
- 7           • *Paz v. Hill Brothers Chemical Company.* Case No. 20STCV48279, California Superior  
8 Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
- 9           • *Garcia v. Inwesco Incorporated.* Case No. 20STCV46833, California Superior Court,  
10 County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
- 11           • *Guevara v. J&K Culver, LLC, et al.* Case No. 19STCV39951, California Superior Court,  
12 County of Los Angeles, Honorable Elihu M. Berle presiding;
- 13           • *Hamilton v. Michael Kors Stores, Inc. et al.,* Case No. 19STCV37061, California  
14 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding;
- 15           • *Arzooian v. A&M Administration, LLC, et al.* Case No. 21STCV05576, California  
16 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding;
- 17           • *Santos, et al. v. Maruzen of America, Inc.,* Case No. 19STCV37662, California Superior  
18 Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding;
- 19           • *Schaffino v. M.O. Dion & Sons., Inc., et al.,* Case No. 20STCV38023, California Superior  
20 Court, County of Los Angeles, Honorable Gail Killefer presiding;
- 21           • *Moreno v. Santa Paula Post Acute, LLC, et al.* Case No. 21STCV12533, California  
22 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;
- 23           • *Singer v. Desert Area Resources and Training,* Case No. BCV-21-101093, California  
24 Superior Court, County of Kern, Honorable Thomas S. Clark presiding;
- 25           • *Clarizio v. Guard-Systems, Inc.,* Case No. 21STCV28667, California Superior Court,  
26 County of Los Angeles, Honorable Armen Tamzarian presiding;
- 27           • *Guzman v. Freschco Painters, Inc.,* Case No. 21STCV04683, California Superior Court,  
28 County of Los Angeles, Honorable Lawrence P. Riff presiding;

1           • *Koutny v. PAE Aviation and Technical Services, LLC*, Case No. 21C-0106, California  
2 Superior Court, County of Kings, Honorable Melissa R. D’Morias presiding;  
3           • *Rodriguez v. Pacifica Trucks, LLC*, Case No. 20STCV37576, California Superior Court,  
4 County of Los Angeles, Honorable Stuart Rice presiding;  
5           • *Ramos v. AEGIS Treatment Centers, LLC*, Case No. 20STCV41429, California Superior  
6 Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;  
7           • *Valdez v. Integrated Building Services, Inc.* Case No. 20STCV37793, California Superior  
8 Court, County of Los Angeles, Honorable Elihu M. Berle presiding;  
9           • *Harris v. America One Security, Inc.* Case No. 21STCV01399, California Superior  
10 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;  
11           • *Moreno v. M&J Seafood Company, Inc.* Case No. 22STCV03341, California Superior  
12 Court, County of Los Angeles, Honorable William F. Highberger presiding;  
13           • *Corrales v. Q&B Foods, Inc.* Case No. 20STCV40885, California Superior Court,  
14 County of Los Angeles, Honorable Elihu Berle presiding;  
15           • *Arteaga v. Demolition Specialist, Inc.* Case No. RIC2001133, California Superior Court,  
16 County of Riverside, Honorable Harold Hopp presiding;  
17           • *Vigil, et al. v. Capstone Turbine Corporation*, Case No. 20STCV32123, California  
18 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;  
19           • *Ramirez v. Sea-Win, Inc.* Case No. 21STCV22026, California Superior Court, County  
20 of Los Angeles, Honorable Lawrence P. Riff presiding;  
21           • *Ortega Chavez v. Winpak Lane, Inc.* Case No. CIVSB2207313, California Superior  
22 Court, County of San Bernardino, Honorable Jessica Morgan presiding;  
23           • *Garcia v. American Licorice Company.* Case No. RG21107049, California Superior  
24 Court, County of Alameda, Honorable Brad Seligman presiding;  
25           • *Madrono v. Vitale Nursing, Inc, et al.*, Case No. 21STCV09845, California Superior  
26 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding; and  
27           • *Orellana v. Advanced Building Maintenance.* Case No. 34-2020-00286791-CU-OE-  
28 GDS, California Superior Court, County of Sacramento, Honorable Jill Talley presiding;

- 1           • *Aguilar v. Bioness, Inc., et al.*, Case No. 21STCV41702, California Superior Court,  
2 County of Los Angeles, Honorable Lawrence P. Riff presiding;
- 3           • *Antoine v. Pinky Beverly Hills, LLC., et al.* Case No. 19STCV44856, California  
4 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;
- 5           • *Phambui v. Fashion Marketing and Merchandising Group, Inc., et al.* Case No.  
6 21STCV06634, Superior Court, County of Los Angeles, Honorable Stuart M. Rice presiding;
- 7           • *Ortega Chavez v. Winpak Lane, Inc., et al.* Case No. CIVSB2202274, California  
8 Superior Court, County of San Bernardino, Honorable Jessica Morgan presiding;
- 9           • *Carrasco v O.H. Barkhordar D.D.S., Inc., et al.* Case No. 22STCV21188, California  
10 Superior Court, County of Los Angeles, Honorable Lawrence Riff presiding;
- 11           • *Correia v. Gallo Glass Company, et al.* Case No. CV-21-006459, California Superior  
12 Court, County of Stanislaus, Honorable Sonny S. Sandhu presiding;
- 13           • *Davis v. Beeline Import and Services, LLC, et al.* Case No. CIVSB2119287, California  
14 Superior Court, County of San Bernardino, Honorable David Cohn presiding;
- 15           • *Angel Lopez v Innovative Coatings Technology Corporation dba Incotec, et al.* Case No.  
16 30-2020-01173245-CU-OE-CXC, California Superior Court, County of Orange, Honorable Lon  
17 Hurwitz presiding;
- 18           • *Lopez v UPM, Inc., et al.* Case No. 20STCV36695, California Superior Court, County of  
19 Los Angeles, Honorable Lawrence P. Riff presiding;
- 20           • *Moreno v. Infiniti Group LLC., et al.* Case No. CIVSB2223551, California Superior  
21 Court, County of San Bernardino, Honorable Joseph T. Ortiz presiding;
- 22           • *Kelley v. Applus Technologies, Inc., et al.* Case No. CIVSB2204889, California Superior  
23 Court, County of San Bernardino, honorable Jessica Morgan presiding;
- 24           • *Hernandez v Bromley Foods, Inc., et al.* Case No. 56-2021-00561326-CU-OE-VTA,  
25 California Superior Court, County of Ventura, Honorable Henr Walsh presiding;
- 26           • *Heredia v. Alan Smith Pool Plastering, Inc., et al.* Case No. 30-2020-01163609-CU-OE-  
27 CXC, California Superior Court, County of Orange, Honorable Randall J. Sherman presiding;
- 28           • *Martinez Guzman v Freshco Painters Inc., et al.* Case No. 21STCV04683, California

1 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;  
2 • *Gomez Mireles v. USG Ceilings Plus, LLC., et al. Case No. 21STCV45606*, California  
3 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;  
4 • *Garzon v. Mobile Hi-Tech Wheels, LLC., et al., Case No. 21STCV15396*, California  
5 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;  
6 • *Dethrasavong v. ASI Computer Technologies, Inc., et al. Case No. 20STCV32312*,  
7 California Superior Court, County of Contra Costa, Honorable Kenneth R. Freeman presiding;  
8 • *Lopez v. Waldorf Astoria Management LLC., et al. Case No. 20STCV17212*, California  
9 Superior Court, County of Los Angeles, Honorable Maren Nelson presiding;  
10 • *Viveros v. Mission Produce, Inc., et al. Case No. 20STCV15737*, California Superior  
11 Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding;  
12 • *Flores v. United Maintenance Company, Inc., et al. Case No. 21STCV07008*, California  
13 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;  
14 • *Blandi v. Francesca Restaurant, LLC., et al. Case No. 37-2022-00049034-CU-OE-CTL*,  
15 California Superior Court, County of San Diego, Honorable Marcella O. McLaughling presiding;  
16 • *Lopez Cabrera v. South Valley Almond Company, LLC, et al. Case No. BCV-2-100722*,  
17 California Superior Court, County of Kern, Honorable Bernard C. Barmann, Jr. presiding;  
18 • *Guillermo Cruz v. Alma Family Serives, et al. Case No. 21STCV18156*, California  
19 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;  
20 • *Davood v. NKSFB, LLC, et al. Case No. 22STCV17305*, California Superior Court,  
21 County of Los Angeles, Honorable Christopher K. Lui presiding;  
22 • *Ferrer v. Ineos USA, LLC., et al., Case No. 21STCV28076*, California Superior Court,  
23 County of Los Angeles, Honorable Elihu M. Berle presiding;  
24 • *Portillo Sanchez v. Paragon Services Janitorial Orange County, LLC, et al. Case No.*  
25 *20STCV38562*, California Superior Court, County of Los Angeles, Honorable William F.  
26 Highberger presiding;  
27 • *Trigueros Garcia v. Highland Plastics, Inc., et al., Case No. CVRI2202836*, California  
28 Superior Court, County of Riverside, Honorable Harold Hopp presiding;

1           • *Magana Ramirez v. 360 Support Services, et al.* Case No. 22STCV20456, California  
2 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;  
3           • *Morales v. Baldy's Restaurant Group, LLC., et al.* Case No. 20STCV36535, California  
4 Superior Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding;  
5           • *Gonzales v. El Monte Rents, Inc., et al.* Case No. 21STCV10209, California Superior  
6 Court, County of Los Angeles, Honorable Stuart M. Rice presiding;  
7           • *Gonzalez v. Total Education Solutions, Inc., et al.* Case No. 20STCV37984, California  
8 Superior Court, County of Los Angeles, Honorable Maren Nelson presiding;  
9           • *Helaire v. Smithfield Packaged Meats Corp, et al.* Case No. JCCP5244, California  
10 Superior Court, County of San Bernardino, Honorable Jessica Morgan presiding;  
11 *Hernandez v. Central Valley Recovery Services, et al.* Case No. VCU290220, California Superior Court, County  
12 of Tulare, Honorable Brett Hillman presiding;  
13           • *Hernandez v. SC Commercial, LLC, et al.* Case No. 30-2020-01166961-CU-OE-CXC,  
14 California Superior Court, County of Orange, Honorable Lon Hurwitz presiding;  
15           • *Hines v. Constellis Integrated Risk Management Services, et al.* Case No.  
16 20STCV26962, California Superior Court, County of Los Angeles, Honorable Christopher K. Lui  
17 presiding;  
18           • *Moya v. Valassis Direct Mail, Inc., et al.* Case No. 21STCV09412, California Superior  
19 Court, County of Los Angeles, Honorable Stuart Rice presiding;  
20           • *Jordan v. The Martin-Brower Company, LLC, et al.,* Case No. 21STCV41435, California  
21 Superior Court, County of Los Angeles, honorable Stuart Rice presiding;  
22           • *Juarez v. Calmet Services, Inc., et al.* Case No. 21STCV33668, California Superior  
23 Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding;  
24           • *Mcintosh v. WWL Vehicle Services Americas Inc., et al.* Case No. 56-2022-00562544-  
25 CU-OE-VTA, California Superior Court, County of Ventura, Honorable Benjamin Coats  
26 presiding;  
27           • *Mendoza v. Amusement Industry, Inc., et al.* Case No. 21STCV09790, California  
28 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;

1           • *Moore v. Dnata US Inflight Catering LLC, et al.* Case No. CGC-20-586512, California  
2 Superior Court, County of San Francisco, Honorable Curtis Karnow presiding;  
3           • *Peterson v. Sorenson Engineering, Inc., et al.* Case No. CIVDS2023994, California  
4 Superior Court, County of San Bernardino, Honorable David Cohn presiding;  
5           • *Torres v. Laurel Avenue, LLC, et al.* Case No. CIVSB2202708, California Superior  
6 Court, County of San Bernardino, Honorable David Cohn presiding;  
7           • *Nunley v. Cardinal Logistics Management Corporation et al.* Case No. CIVSB2210430,  
8 California Superior Court, County of San Bernardino, Honorable Joseph T. Ortiz presiding;  
9           • *Pastrana v. National Sign & Marketing Corporation et al.* Case No. CIVSB2118749,  
10 California Superior Court, County of San Bernardino, Honorable David Cohn presiding;  
11           • *Pineda v. Grand Life, Inc., et al.* Case No. 21STCV28066, California Superior Court,  
12 County of Los Angeles, Honorable Elihu M. Berle presiding;  
13           • *Pattingale v. Laird Family Estate, LLC et al.* Case No. 22CV000048, California Superior  
14 Court, County of Napa, Honorable Cynthia P. Smith presiding;  
15           • *Ramirez v. Sea Win, Inc., et al.* Case No. 21STCV22026, California Superior Court,  
16 County of Los Angeles, Honorable Lawrence P. Riff presiding;  
17           • *Reategui v. Cal Building & Maintenance Industries, Inc.,* Case No. 20STCV39648,  
18 California Superior Court, County of Los Angeles, Honorable William F. Highberger presiding;  
19           • *Rodriguez v. ACRA Aerospace, LLC, et al.* Case No. 30-2020-01171360-CU-OE-CXC,  
20 California Superior Court, County of Orange, Honorable Randall J. Sherman presiding;  
21           • *Rodriguez v. Ultra Pro International LLC, et al.* Case No. 21STCV11250, California  
22 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;  
23           • *Ruiz v. Kleen Harvest, Inc., et al.* Case No. 21CV002319, California Superior Court,  
24 County of Monterey, Honorable Thomas W. Wills presiding;  
25           • *Roberto Ruiz v. Protech Delivery and Installation et al.* Case No. 21STCV07001,  
26 California Superior Court, County of Los Angeles, Honorable Stuart M. Rice presiding;  
27           • *Russell v. CIMC Reefer Trailer, Inc., et al.* Case No. RIC2001777, California Superior  
28 Court, County of Riverside, Honorable Harld Hopp presiding;

1           • *Russell v. Staffmark Investment LLC, et al.* Case No. CVRI12103921, California  
2 Superior Court, County of Riverside, Honorable Harold Hopp presiding;  
3           • *Quintanilla et al. v. Chrome Hearts LLC, et al.* Case No. 21STCV43180, California  
4 Superior Court, County of Los Angeles, Honorable Elihu B. Berle presiding;  
5           • *Taat v. Acell, Inc., et al.* Case No. 37-2022-00005437-CU-OE-CTL, California Superior  
6 Court, County of San Diego, Honorable Matthew C. Braner presiding;  
7           • *Todd v. Motivate, LLC, et al.* Case No. CGC-23-605052, California Superior Court,  
8 County of San Francisco, Honorable Anne- Christine Massullo presiding;  
9           • *Turner Sr., v. The Sidewalk Café, Inc., et al.* Case No. 21STCV10154, California  
10 Superior Court, County of Los Angeles, Honorable William F. Highberger presiding;  
11           • *Vargas-Flores v. Harbor Bay Club, Inc., et al.* Case No. 21CV002396, California  
12 Superior Court, County of Alameda, Honorable Michael Markman presiding;  
13           • *Vasquez v. Liquid Technologies, Inc., et al.* Case No. CIVDS2023892, California  
14 Superior Court, County of San Bernardino, Honorable Joseph Ortiz presiding;  
15           • *Vasquez et al. v. Kingswood LLC, et al.,* Case No. 20STCV32123, California Superior  
16 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;  
17           • *Sandoval Villafana v. Satco, Inc., et al.* Case No. 21STCV17085, California Superior  
18 Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding;  
19           • *Williams v. Marrs Services, Inc., et al.* Case No. 21STCV23775, California Superior  
20 Court, County of Los Angeles, Honorable Stuart M. Stuart presiding;  
21           • *Low v. Triple Canopy, Inc., et al.* Case No. 37-2023-0007078-CU-OE-CTL, California  
22 Superior Court, County of San Diego, Honorable Carolyn Caietti presiding;  
23           • *Camacho v. Premium Electric Corp, et al.* Case No. 22STCV26878, California Superior  
24 Court, County of Los Angeles, Honorable David S. Cunningham presiding;  
25           • *Lopez v. Bachem Americas, Inc., et al.* Case No. 23STCV04258, California Superior  
26 Court, County of Los Angeles, Honorable Laura Seigle presiding;  
27           • *Mendoza Cendejas v. E. & J. Gallo Winery, et al.* Case No. CV-22-005396, California  
28 Superior Court, County of Stanislaus, Honorable Sonny S. Sandhu presiding;

1       • *Romero v. Armstrong Installation Service, et al.* Case No. 22CV022519, California  
2 Superior Court, County of Alameda, Honorable Noel Wise presiding;

3       • *Perez v. D&G Restaurants, LLC, et al.* Case No. 30-2021-01209638-CU-OE-CXC,  
4 California Superior Court, County of Orange, Honorable Peter Wilson presiding;

5       • *Sarmiento, et al. v. Neil Jones Food Company* Case No. 21CECG03825, California  
6 Superior Court, County of Fresno, Hon. Kristi Culver Kapetan presiding; and

7       • *Garcia v. Nature Fresh Farms, LLC, et al.* Case No. ECU001961, California Superior  
8 Court, County of Imperial, Honorable Jeffery B. Jones presiding.

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

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

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

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

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

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

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

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

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

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

1       • *Ruano v. DPC Woodwork, Inc.* Case No. 21STCV00408, California Superior Court,  
2 County of Los Angeles, Honorable Jon R. Takasugi presiding;  
3       • *Hardy v. Texas Roadhouse Management Corp., et al.* Case No. CIVSB2222259,  
4 California Superior Court, County of San Bernardino, Honorable Jessica Morgan presiding;  
5       • *Iraheta v Legacy Farmers, Inc., et al.* Case No. MSC21-00762, California Superior  
6 Court, County of Los Angeles, Honorable Charles S. Treat presiding;  
7       • *Landin v Central Janitors' Supply Co., Inc., et al.* Case No. CV-21-006391, California  
8 Superior Court, County of Stanislaus, Honorable Sonny S. Sandhu presiding;  
9       • *Bailey v. Cannon Constructors, et al.* Case No. 21STCV38274, California Superior  
10 Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;  
11       • *Johns, et al. v. Whelan Security of California, Inc., et al.* Case No. 22STCV68687,  
12 California Superior Court, County of Los Angeles, Honorable Laura Seigle presiding;  
13       • *Carrion v. Clutter, Inc., et al.* Case No. 23STCV06709, California Superior Court,  
14 County of Los Angeles, Honorable Kerry Bensinger presiding;  
15       • *Delia v. The Irvine Company, LLC, et al.* Case No. 30-2019-01050823-CU-OE-CXC,  
16 California Superior Court, County of Orange, Honorable William D. Claster presiding;  
17       • *Landin v. Central Janitor's Supply Co., Inc., et al.* Case No. CV-21-006391, California  
18 Superior Court, County of Stanislaus, Honorable Sonny S. Sandhu presiding;  
19       • *German Vaca et al., v. California Pizza Kitchen, Inc., et al.* Case No. 30-2022-01278828-  
20 CU-OE-CXC, California Superior Court, County of Orange, Honorable Randall Sherman  
21 presiding;  
22       • *London Young v. Amazon.com LLC, et al.* Case No. 21STCV38280, California Superior  
23 Court, County of Los Angeles, Honorable Elaine Lu presiding;  
24       • *Martinez v. Dick's Sporting Goods, Inc., et al.* Case No. 22STCV17283, California  
25 Superior Court, County of Los Angeles, Honorable Armen Tamzarian presiding;  
26       • *Latrice Ackles v. Brinker Restaurant Corporation, et al.* Case No. 22STCV19068,  
27 California Superior Court, County of Los Angeles, Honorable Gail Killefer presiding; and  
28 ///

1           • *Ruiz v. Edelbrock Foundry, LLC, et al.* Case No. 20STCV19057, California Superior  
2 Court, County of Los Angeles, Honorable David S. Cunningham presiding.

3           11.           Furthermore, my office has succeeded in certifying classes in contested motions  
4 for class certification. Some of the classes and theories we have certified include, without  
5 limitation, for failure to pay the regular rate of pay; failing to pay overtime and minimum wages,  
6 including, without limitation, for temperature checks; failure to provide meal and rest premiums,  
7 including, without limitation, for requiring employees to walk during breaks; failure to timely pay  
8 wages prior to separation of employment; wage statement violations; and unfair competition.  
9 Some examples of matters in which we have done so include, without limitation:

10           • *Hernandez, et al. v. C.R. Lawrence Co., Inc.*, Case No. 20STCV32372, California  
11 Superior Court, County of Los Angeles, Hon. William Highberger presiding; and

12           • *Lopez v. Rolling Hills Country Club*, Case No. 21STCV22636, California Superior  
13 Court, County of Los Angeles; Hon. Carolyn B. Kuhl presiding; and

14           • *Torres v. Johnston Nurseries, FLP*, Case No. BCV-19-100830 TSC, California Superior  
15 Court, County of Kern; Hon. Thomas S. Clark, presiding.

16           12.           I believe that I am sufficiently experienced and qualified to evaluate the Class  
17 Members' claims and viability of FPR II, LLC, d.b.a. Leadpoint Business Services'  
18 ("Defendant's") defenses.

19           13.           Vedang J. Patel has been a member of my law firm for over three (3) years and  
20 served as class counsel on numerous actions on which I was also named class counsel. Prior to  
21 working with Bibiyan Law Group, P.C., he practiced law with Murchison & Cumming, LLP on a  
22 variety of matter on behalf of defendants. Thereafter, he joined Bibiyan Law Group, P.C.,  
23 practicing law on behalf of plaintiffs in matters of employment law, and specifically on issue of  
24 unpaid wages and class action settlements. He is currently a senior attorney at Bibiyan Law Group,  
25 P.C. and head of the Settlement Department. Among other tasks, he oversees and manages all  
26 settlements at Bibiyan Law Group, P.C. He also oversees several attorneys, paralegals, and legal  
27 assistants and has overseen the settlement of over one hundred (100) class and PAGA matters  
28 while with our office.

1        14.        I believe recovery for each Class Member is well within the acceptable range for  
2 this type of action. Class Counsel and Plaintiff were prepared to litigate the claims in this Action,  
3 but they strongly and unequivocally support the proposed Settlement as being in the best interest  
4 of the Settlement Class based on the circumstances referenced herein. I believe that this Settlement  
5 is favorable given that the Settlement Class will receive compensation promptly rather than facing  
6 uncertainties inherent in further litigation and waiting years for this Action to be tried.  
7 Furthermore, I believe the Settlement Class has, overwhelmingly supported the Settlement on the  
8 terms set forth in the Settlement Agreement, as evidenced by the 99.87% participation rate by the  
9 Settlement Class. Thus, this Settlement is highly favorable and is in the best interests of the  
10 Settlement Class.

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

12        15.        I believe Class Counsel earned the requested fee, as this case was vigorously  
13 litigated. Over 360 hours will have been expended by Bibiyan Law Group, P.C.'s attorneys and  
14 staff to date.

15        16.        To summarize Class Counsel's lodestar request, Class Counsel, specifically Bibiyan  
16 Law Group, P.C., will have collectively worked approximately 367.2 hours. Class Counsel's hourly  
17 rates in this case for: David D. Bibiyan is \$1,100 per hour (approx. 19.0 hours); Jeffrey D. Klein is  
18 \$1,000 per hour (approx. 20.2 hours); Vedang J. Patel is \$750 per hour (approx. 79.4 hours); Sarah  
19 Cohen is \$850 per hour (approx. 131.8 hours); Brandon Chang is \$600 per hour (approx. 28.8  
20 hours); Matthew Carraher is \$425 per hour (approx. 44.1 hours); Paralegals are \$175 per hour  
21 (approx. 25.3 hours); and Legal Assistants are \$75 per hour (approx. 18.6 hours). At Bibiyan Law  
22 Group, P.C.'s hourly rates, this results in a total lodestar amount of \$254,525.

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

24        17.        Class Counsel, specifically Bibiyan Law Group, P.C., has already spent over 360  
25 hours litigating this case to date and bringing it to fruition. The hours spent by the Bibiyan Law  
26 Group, P.C., in connection with this action included:

- 27                • The investigation of the matter, including meeting with Plaintiffs, reviewing policies  
28                provided by Plaintiffs, review of documents in Plaintiffs' possession, review and

analysis of Plaintiffs' personnel files, and exploring Defendant's corporate structure to determine whether any other individuals or entities should be named in the litigation;

- Researching the dockets for other cases filed against Defendant, determining whether they named all allegedly culpable defendants and included all theories available;
- Compliance with prerequisites in connection with Plaintiff's cause of action under PAGA;
- Drafting, filing, and serving of plaintiff Juan Manso Gontez's PAGA Notices, including the initial PAGA Notice and an amended PAGA Notice;
- Drafting, filing, and serving pleadings, including plaintiff Juan Manso Gontez's wage and hour class action complaint in the Superior Court of California, County of Santa Barbara, Case No. 22CV04157 ("Gontez Class Action"), and a separate representative action complaint under PAGA in the Superior Court of California, County of Santa Barbara, Case No. 23CV00298 ("Gontez PAGA Action");
- Review and analysis of Defendant's, MarBorg Industries' and MarBorg Recovery Management LLC's Answers to plaintiff Juan Manso Gontez's wage and hour class action complaint;
- Review and analysis of Defendant's Motion Stay or Abate Gontez Class Action;
- Review and analysis of MarBorg Industries Joinder to Defendant's Motion Stay or Abate Gontez Class Action;
- Drafting, filing, and serving of Plaintiff Juan Manso Gontez's Opposition to Defendant's Motion Stay or Abate Gontez Class Action;
- Drafting, filing, and serving of Plaintiff Juan Manso Gontez's Opposition to MarBorg Industries' Joinder to Defendant's Motion Stay or Abate Gontez Class Action;
- Review and analysis of Defendant's Reply in Support of Defendant's Motion Stay or Abate Gontez Class Action;
- Review and analysis of Defendant's Special Demurrer to Abate or Stay Gontez PAGA Action;

- 1 • Review and analysis of MarBorg Industries Joinder to Defendant's Special Demurrer  
2 to Abate or Stay Gontez PAGA Action;
- 3 • Drafting, filing, and serving of Plaintiff Juan Manso Gontez's Opposition to  
4 Defendant's Special Demurrer to Abate or Stay Gontez PAGA Action;
- 5 • Drafting, filing, and serving of Plaintiff Juan Manso Gontez's Opposition to MarBorg  
6 Industries' Joinder to Defendant's Special Demurrer to Abate or Stay Gontez PAGA  
7 Action;
- 8 • Review and analysis of Defendant's Reply in Support of Defendant's Special  
9 Demurrer to Abate or Stay Plaintiff's PAGA Action;
- 10 • Review and analysis of the Court's Minute Orders, attention to scheduling and  
11 delegation of actions in light thereof, meeting and conferring with co-counsel and  
12 Defendant's counsel, drafting and filing Case Management Statements, and  
13 preparation for appearance at conferences and hearings;
- 14 • Obtaining and reviewing informal discovery from Defendant, including time and  
15 payroll records for all putative class members, Defendant's written policies, and other  
16 informal discovery produced for Plaintiffs to evaluate the claims;
- 17 • Discussing the potential merits of mediation, as well as negotiating the parameters  
18 thereof and the informal discovery to be exchanged beforehand, which involved  
19 iterations of written correspondence back and forth and several telephone discussions  
20 between counsel regarding the potential scope of discovery, as well as the scope of  
21 the pleadings;
- 22 • Obtaining a list of non-exempt employees who were putative class members or  
23 witnesses of the alleged violations;
- 24 • Drafting a questionnaire, contacting Class Members whose information was made  
25 available through Plaintiffs and third parties, obtaining responses to questionnaires,  
26 revising the questionnaires based on answers received, reducing the questionnaire  
27 responses to declarations, and requesting further information as necessary upon  
28 review of the questionnaire responses and/or at mediation;

- Communicating extensively with co-counsel about the parameters of joint representation, and then working cooperatively with co-counsel and opposing counsel for the receipt of a representative sampling and analyzing the same with the aid of Plaintiff to perform analyses of liability and exposure prior to attendance of the mediation in this matter;
- Selecting a mediator and scheduling a mediation date;
- Review of mediation brief, analysis, and damages model in conjunction with expert data consultants, for use at the mediation session;
- Attendance at a full-day session of mediation by various attorneys;
- Extensive negotiation, with the assistance of a mediator, regarding the terms of the settlement, which was memorialized in a Memorandum of Understanding and later, in a long form Settlement Agreement.
- Exchange of numerous versions of the Memorandum of Understanding and the long form Settlement Agreement, and finalizing and fully executing the Memorandum of Understanding and the long form Settlement Agreement;
- Reviewing the Class Notice;
- Review of the First Amended Complaint in plaintiff Jennifer Montoya's wage and hour class action ("Montoya Action"), adding claims in plaintiff Jennifer Montoya's representative action under PAGA, Gontez Class Action claims and Gontez PAGA Action claims as against Defendant, and plaintiff Juan Manso Gontez as a named plaintiff;
- Filing and serving Rule 3.770-compliant Requests for Dismissal of the Gontez Class Action and Gontez PAGA Action to effectively consolidate this action with the Montoya Action;
- Selecting a third-party administrator with co-counsel and counsel for Defendant for administration of Class Notice to Class Members and obtaining bids for settlement administration;

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- Communicating with Plaintiffs who requested updates or other information regarding this matter;
- Review of the Motion for Preliminary Approval, preparation of declarations in support thereof, and preparation and attendance at the Motion for Preliminary Approval hearings;
- Working with co-counsel, opposing counsel and the Settlement Administrator to ensure timely administration of the Class Notice to Class Members;
- Reviewing and analyzing the Settlement Administrator's final report to provide the information necessary for the Court's review of the Motion for Final Approval; and
- Review of the instant Motion for Final Approval and preparation of declarations in support thereof.

18. And the over 360 hours expended by the lawyers and staff members of Bibiyan Law Group, P.C., in connection with this Action is only a calculation of efforts made thus far; it does not include the time that will be spent preparing for and attending the final approval hearing and updating this Court regarding the disposition of uncashed checks and/or amending the judgment, if necessary. Thus, Class Counsel request that the Court find that these hours are reasonable in this litigation.

### Costs Incurred by Class Counsel

19. The itemized costs incurred by Bibiyan Law Group, P.C., in the above-referenced matter total \$9,044.62.

|     |                            |            |
|-----|----------------------------|------------|
| (1) | Filing and Messenger Fees  | \$1,408.42 |
| (2) | LWDA Filing Fee            | \$75.00    |
| (3) | Case Document Purchase     | \$53.42    |
| (4) | Mediation                  | \$7,000.00 |
| (5) | Service of Process         | \$372.42   |
| (6) | Postage                    | \$92.56    |
| (7) | Photocopies (214 x \$0.20) | \$42.80    |

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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 17th day of February 2025, at Los Angeles, California.

David D. Bibiyan  
David D. Bibiyan