

Kane Moon (SBN 249834)
H. Scott Leviant (SBN 200834)
Sandy Pham (SBN 352753)
MOON LAW GROUP, PC
725 S. Figueroa St., 31st Floor
Los Angeles, California 90017
Telephone: (213) 232-3128
Facsimile: (213) 232-3125
E-mail: kmoon@moonlawgroup.com
E-mail: hsleviant@moonlawgroup.com
E-mail: spham@moonlawgroup.com

Attorneys for Plaintiff, ANGELICA MENDOZA

Nazo Koulloukian (SBN 263809)
Hilary Silvia (SBN 237993)
KOUL LAW FIRM
3435 Wilshire Blvd., Suite 1710
Los Angeles, CA 90010
Telephone: (213) 761-5484
Facsimile: (818) 561-3938
E-mail: nazo@koullaw.com
E-mail: hilary@koullaw.com

Attorneys for Plaintiff, HEIDI BIBIANO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

ANGELICA MENDOZA and HEIDI BIBIANO,
individually, and on behalf of all others similarly
situated,

Plaintiffs,

vs.

JDC FOOD SERVICES, INC., a California
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 30-2023-01330193-CU-OE-CXC

CLASS AND REPRESENTATIVE ACTION

[Hon. Randall J. Sherman]

CLASS ACTION

**DECLARATION OF HEIDI BIBIANO
REGARDING MOTION FOR APPROVAL
OF CLASS ACTION SETTLEMENT**

RESERVATION NO.: **74472310**

Date: May 23, 2025
Time: 10:00 a.m.
Courtroom: CX-105
Judge: Hon. Randall J. Sherman

Action Filed: May 30, 2023
Trial Date: Not Set

DECLARATION OF HEIDI BIBIANO

I, HEIDI BIBIANO, declare as follows:

1. I am a named Plaintiff in this case. I am a former employee of the named defendant, JDC FOOD SERVICES, INC. ("Defendant"). As such, I have personal knowledge of, or am informed and believe, the following facts herein stated. If called as a witness. I could and would testify competently to the following:

JOB DUTIES AND EXPERIENCES

2. I worked for Defendant during the Settlement Class Period in one of Defendant's Jack-in-the-Box restaurants located in Tustin, California. My employment began on or around May 2021 and ended on or around August 2022. I earned approximately \$14.50 per hour and I held a job position that is at issue in this case and included within the class.

3. My job duties included a variety of food preparation duties in a fast-food restaurant, including but not limited to cooking and cleaning.

4. I experienced delays waiting to clock in on the Point-of-Sale system, sometimes had to take meal breaks late or had meal breaks interrupted, sometimes missed rest breaks, and used my cell phone for work purposes without reimbursement. As a result of these issues, I did not receive all wages when due and my wage statements were not always accurate.

DUTIES OF A CLASS REPRESENTATIVE

5. This lawsuit is not an individual lawsuit. It is a proposed class action. I understand that, if approved as a class representative in this matter, I have an obligation to do my best to look out for the interests of other class members, the current and former employees of Defendant who I am seeking to represent. I understand that my obligations to the class exist even when the class is certified solely as part of a class action settlement. It is my understanding that, as one part of this duty to the class, I cannot agree to a settlement to benefit myself to the exclusion of the rest of the class members. I have never asked my attorneys to simply settle this matter at any cost. Rather, I have asked them to obtain the best

1 settlement they could within reason, and I believe that they have attempted to do so.

2 6. This case was filed about one and a half years ago. I have never asked to be relieved
3 from my role as a proposed class representative. To the contrary, I have made myself available
4 whenever my attorneys wanted to discuss aspects of my employment by Defendant, and I remain
5 committed to seeing this matter through to the end.

6 7. I have conferred with my attorneys about the settlement proposed in this case. I am not
7 an accountant, but I understand the factors and risks that need to be considered when evaluating a
8 settlement.

9 8. Summing it all up in the simplest terms, I am asking to be stand-in for other
10 employees of Defendant. Because of that, I cannot quit on the Class, and I cannot put myself and my
11 interests before the Class. I accept these duties and request that I be approved as the class
12 representative for purposes of this amended Settlement.

13
14 COMMUNITY OF INTEREST: TYPICALITY AND ADEQUACY

15 9. I was an hourly non-exempt employee of Defendant and was subject to the same pay
16 structure and rules as all the other hourly non-exempt employees of Defendant.

17 10. I am not aware of anything special about me that would raise unique defenses to my
18 claims, as opposed to the claims of the class. I am also not suing for anything unique to me. Rather, my
19 claims are based upon the same facts that relate to the rest of the Class.

20 11. I do not believe that I have any conflicts with Class Members included in this proposed
21 Settlement. I do not have any intention to take any action that would place me in a position that is hostile
22 to other Class Members.

23
24 SERVICE AS A CLASS REPRESENTATIVE

25 12. I believe that were it not for my stepping forward and taking on the duties of protecting
26 the interests of other Defendant employees, it is likely that the interests of the class would neither have
27 been prosecuted, nor benefited. To my knowledge, other than the litigation encompassed by this
28

1 proposed Settlement, there is no other litigation, on a class or individual basis, concerning the claims in
2 this lawsuit. Nor has Defendant pointed to any.

3 13. I have assumed some long-lasting risk in prosecuting this case. Because it is so easy to
4 search for information online these days, I will face an increased risk that future employers will
5 discover information about this lawsuit online and have a negative reaction to learning that I sued an
6 employer. This may make it harder for me to obtain future employment or change jobs for a better
7 opportunity.

8 14. I have devoted a substantial amount of my time, both before this lawsuit was filed and
9 also during its litigation to ensure a fair result for the employee class. This involved ongoing
10 communications and participation with my counsel during the course of this case.

11 15. My participation began with bringing certain issues that are involved in this matter to
12 my counsel's attention and explaining the factual background that was used to prosecute the claims in
13 this case.

14 16. For example, I reviewed documents which I already had, provided them to my
15 attorneys, and I explained those documents and related facts to my counsel to assist them in their
16 review. I also assisted in identifying potential witnesses, including other employees, who might
17 likewise have been of assistance.

18 17. My efforts continued after suit was filed. For example, I continued to identify
19 employees and other witnesses to counsel, along with other information as to how they could be of
20 potential use in this matter. I also discussed strategy with my counsel.

21 18. I also made myself available to answer any questions that arose during the full day
22 mediation.

23 19. After the mediation, a long-form settlement agreement was negotiated, and I reviewed it
24 with my attorneys as well as I was able to ensure that its terms are likewise fair and adequate.

25 20. In sum, I believe I have provided well over 20 hours of my time during the course of
26 this litigation to ensure a good outcome for the best interests of the class.

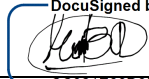
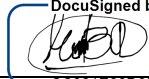
27 21. I do not believe that I have any conflicts with Class Members included in this proposed
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1 Settlement.

2 22. I have no relationship with the Administrator selected to administer this proposed
3 Settlement.

4 I declare under penalty of perjury, under the laws of the State of California, that the foregoing is
5 true and correct.

6 Executed on 11/7/2024, at Orang, California.

7  DocuSigned by:
8 

HEIDI BIBIANO, "Declarant"

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 725 S. Figueroa St., Suite 3100, Los Angeles, CA 90017.

On the date indicated below, I served the document described as: **DECLARATION OF HEIDI BIBIANO REGARDING MOTION FOR APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties in this action by sending ☐ the original [or] ☒ a true copy thereof ☒ to interested parties as follows [or] ☐ as stated on the attached service list:

Ian B. Wieland
David G. Litman
Tristan Matthews
Mehgan Ferreira
SAGASER, WATKINS & WIELAND PC
5260 N. Palm Ave., Ste. 400
Fresno, CA 93704
ian@sw2law.com
david@sw2law.com
tristan@sw2law.com
mehgan@sw2law.com

Counsel for Defendant JDC FOOD SERVICES, INC.

☐ **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s) for mailing in the ordinary course of business at Los Angeles, California. I am “readily familiar” with this firm’s practice of collection and processing correspondence for mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

☒ **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action.

☐ **BY PERSONAL SERVICE:** I delivered the document, enclosed in a sealed envelope, by hand to the offices of the addressee(s) named herein.

☐ **BY OVERNIGHT DELIVERY:** I am “readily familiar” with this firm’s practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up by the carrier at our offices or delivered by our office to a designated collection site.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed this **January 21, 2025** at Los Angeles, California.

H. Scott Leviant
Type or Print Name


Signature