

John G. Yslas (SBN 187324)
john.yslas@wilshirelawfirm.com
Samantha A. Smith (SBN 233331)
Samantha.smith@wilshirelawfirm.com
Jeffrey C. Bills (SBN 301629)
jbills@wilshirelawfirm.com
Aram Boyadjian (SBN 334009)
aboyadjian@wilshirelawfirm.com
Andrew Sandoval (SBN 346996)
andrew.sandoval@wilshirelawfirm.com
WILSHIRE LAW FIRM
3055 Wilshire Blvd., 12th Floor
Los Angeles, California 90010
Telephone: (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiffs Andy K. Franco and Gustavo Ayala

BIBIYAN LAW GROUP, P.C.
David D. Bibiyan (SBN 287811)
david@tomorrowlaw.com
Vedang J. Patel (SBN 328647)
vedang@tomorrowlaw.com
Brandon Chang (SBN 316197)
brandon@tomorrowlaw.com
1460 Westwood Boulevard
Los Angeles, California 90024
Tel: (310) 438-5555; Fax: (310) 300-1705

Attorneys for Plaintiff, Carlos Ramirez

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF KERN

ANDY K. FRANCO and GUSTAVO G.
AYALA, individually, and on behalf of the
State of California and other aggrieved
persons,

Plaintiffs,

v.

GOLDEN QUEEN MINING COMPANY,
LLC, a California limited liability company;
and DOES 1 through 10, inclusive,

Defendants.

CASE NO.: BCV-23-102813

[Assigned for all purposes to: Hon. T. Mark
Smith, Dept. T2]

**DECLARATION OF DAVID D. BIBIYAN
IN SUPPORT OF PLAINTIFFS' MOTION
FOR APPROVAL OF PAGA
SETTLEMENT**

HEARING INFORMATION:

DATE: May 8, 2025
TIME: 9:30 a.m.
DEPT: T2

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6

7
8
9

10

11
12
13
14
15
16
17

18

19

20

21

22

23

24

25

26

27

28

1 8. I am an active member of the California Employment Lawyers' Association
2 ("CELA"). I am one of its founding members and actively remain a member of its Reverse
3 Auctions Subcommittee; in doing so, I serve as a mediator between other plaintiffs' counsel who
4 bring overlapping class actions. I have also attended various Continuing Legal Education courses
5 pertaining to advocacy on behalf of employees.

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

10 10. Not only have I practiced almost exclusively in this field for years and have
11 contributed to the legal education curriculum for attorneys practicing within it, I am also a
12 published author in the Daily Journal as a contributor in the Wage and Hour and PAGA context,
13 including, in December 15, an article entitled: "PAGA: What's Gone, What's Left and What's
14 Next." I have also been a quoted source in multiple other publications, including in article
15 published by Bloomberg Law dated November 1, 2023 entitled: "Adidas, Home Depot Sued in
16 Test Cases on Job Ad Pay Transparency."

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

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

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

1 • *Arendsdorff v. Stanley Steamer International, Inc.*, Case No. BC681368, California
2 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos, presiding;
3 • *Barreto v. Don Roberto Jewelers, Inc.*, Case No. BC495451, California Superior Court,
4 County of Los Angeles, Honorable Ann I. Jones, presiding;
5 • *Junior Amilcar Laguna Gonzalez v. Takaaki Koyama*, Case No. BC641998, Los Angeles
6 Superior Court, Honorable Elihu M. Berle, presiding;
7 • *Rios v. Nongshim America, Inc.*, Case No. CIVDS1807390, California Superior Court,
8 County of San Bernardino, Honorable David S. Cohn, presiding;
9 • *Stoddard v. Molded Fiber Glass – West*, Case No. 1517758, California Superior Court,
10 County of San Bernardino, Honorable David S. Cohn, presiding;
11 • *Mata v. Sahara Scaffold, Inc.*, Case No. CIVDS1810785, California Superior Court,
12 County of San Bernardino, Honorable David S. Cohn, presiding;
13 • *Carrasco v. Pure Dental Solutions*, Case No. BC645995, Los Angeles Superior Court,
14 Honorable Kenneth R. Freeman, presiding;
15 • *Gonzalez v. Gochez, et al.*, Case No. BC648729, Los Angeles Superior Court, Honorable
16 Maren Nelson, presiding;
17 • *Montoya v. Superior Paving Co.*, Case No. CIVDS1833422, County of San Bernardino,
18 Honorable David S. Cohn, presiding;
19 • *Lopez v. Norred & Associates, Inc.*, Case No. CIVDS1824109, California Superior
20 Court, County of San Bernardino, David S. Cohn, presiding;
21 • *Noyola v. Lacren, LLC*, Case No. BC717024, California Superior Court, County of Los
22 Angeles, Hon. Anthony Mohr, presiding;
23 • *Luciano, et al. v. O’Tasty Foods, Inc., et al.*, Case No. BC711988, California Superior
24 Court, County of Los Angeles, Honorable Maren Nelson, presiding;
25 • *Gordon v. Hospice Source, LLC*, Case No. 34-2018-00250022-CU-OE-GDS, California
26 Superior Court, County of Sacramento, Honorable Christopher E. Krueger, presiding;
27 • *Barragan v. Refrigeration Supplies Distributor*, Case No. 19STCV09312, California
28 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;

1 • *Ramirez v. Acre Gourmet, Inc.*, Case No. CGC-19-575117, California Superior Court,
2 County of San Francisco, Honorable Andrew Y.S. Cheng, presiding;
3 • *Villafuerte v. Bay Alarm Company*, Case No. BC689110, California Superior Court,
4 County of Los Angeles, Honorable Amy D. Hogue, presiding;
5 • *Cazares v. Areas USA LAX, LLC*, Case No. 19STCV08209, California Superior Court,
6 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;
7 • *Magana v. Castlerock Environmental, Inc., et al.*, Case No. 19STCV38353, California
8 Superior Court, County of Los Angeles, Honorable Ann I. Jones, presiding;
9 • *Chilel v. Sushi California, Inc.*, Case No. 19STCV08209, California Superior Court,
10 County of Los Angeles, Honorable Ann I. Jones, presiding;
11 • *Malone v. Orange Courier, Inc., et al.*, Case No. 30-2016-00763474, California Superior
12 Court, County of Orange, Honorable Glenda Sanders, presiding;
13 • *Rivera v. Talamo Food Services, Inc.*, Case No. 19CV355856, California Superior Court,
14 County of Santa Clara, Honorable Patricia M. Lucas, presiding;
15 • *Olguin v. Cal Central Harvesting, Inc.*, Case No. 18CV03860, California Superior Court,
16 County of Santa Barbara, Honorable James F. Rigali, presiding;
17 • *Pence v. Sober Living by the Sea, Inc.*, Case No. 2018-00988742, California Superior
18 Court, County of Orange, Honorable Randall J. Sherman, presiding;
19 • *Franco v. Vincent Rags, Inc.*, Case No. 20STCV07768, California Superior Court,
20 County of Los Angeles, Honorable Ann I. Jones, presiding;
21 • *Cabral v. Miller Castings, Inc.*, Case No. 19STCV39556, California Superior Court,
22 County of Los Angeles, Honorable Carolyn B. Kuhl, presiding;
23 • *Bolanos v. Texas Roadhouse, Inc.*, Case No. 19STCV39556, California Superior Court,
24 County of Los Angeles, Honorable Sunshine Sykes, presiding;
25 • *Rodriguez v. Scott A. Humphreys, Inc.*, Case No. 30-2021-01184556-CU-OE-CXC,
26 California Superior Court, County of Ventura, Honorable Matthew P. Guasco, presiding; and
27 • *Torres v. Primal Pet Foods, Inc.* Case No. FCS054783, California Superior Court,
28 County of Solano, Honorable Wendy G. Getty, presiding;

1 • *Hanson v. Zapata Nuccio, Inc.*, Case No. 20STCV28951, California Superior Court,
2 County of Los Angeles, Honorable Elihu M. Berle, presiding;
3 • *Molina v. Avibank Mfg, Inc.*, Case No. 20STCV03910, California Superior Court,
4 County of Los Angeles, Honorable John P. Doyle, presiding;
5 • *Cetina v. Lawry's Restaurants, Inc.*, Case No. 19STCV05201, California Superior Court,
6 County of Los Angeles, Honorable Amy D. Hogue, presiding;
7 • *Luna v. Pronto California General Agency, LLC*, Case No. 19STCV39951, California
8 Superior Court, County of Los Angeles, Honorable Elihu M. Berle, presiding;
9 • *Alvarez v. Kazak-Mars, Inc.*, Case No. 20STCV42587, California Superior Court,
10 County of Los Angeles, Honorable Elihu M. Berle, presiding;
11 • *Noe v. My Pillow, Inc.* Case No. CIVDS 2011360, California Superior Court, County of
12 San Bernardino, Honorable David Cohn, presiding;
13 • *Nunez v. 2751 West Coast Acquisition Company*, Case No. 30-2020-01145215-CU-
14 OE-CXC, California Superior Court, County, County of Orange, Honorable Randall J. Sherman,
15 Presiding;
16 • *Smith v. McMillen Enterprises, Inc.*, Case No. CV-20-002938, California Superior Court,
17 County of Stanislaus, Honorable John R. Mayne, presiding;
18 • *Turner v. Plant Prefab Inc., et al.*, Case No. CIVDS2017517, California Superior Court,
19 County of San Bernardino, Honorable David Cohn, presiding;
20 • *Duran v. Fresh Select, LLC*, Case No. VCU284892, California Superior Court, County
21 of Tulare, Honorable Bret Hillman, presiding;
22 • *Reynoso, et al. v. Cream of the Crop AG Service, Inc.*, Case No. VCU278847, California
23 Superior Court, County of Tulare, Honorable Bret Hillman, presiding;
24 • *Michel v. Universal Waste Systems, Inc.*, Case No. 19STCV46181, California Superior
25 Court, County of Los Angeles, Honorable David S. Cunningham presiding;
26 • *Jungers v. U.S. Borax Inc., et al.*, Case No. BCV-21-10003, California Superior Court,
27 County of Kern, Honorable Bernard C. Barmann Jr. presiding;
28 ///

1 • *Fortune v. Amoroso Limited Partnership, et al.*, Case No. 20STCV25874, California
2 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;
3 • *Montoya, et al. v. Remo, Inc.* Case No. 20STCV34614, California Superior Court,
4 County of Los Angeles, Honorable Maren Nelson presiding;
5 • *Rincon, et al. v. New-Indy Tripaq, LLC, et al.* Case No. 20STCV17118, California
6 Superior Court, County of Los Angeles, Honorable Maren Nelson presiding;
7 • *De Leon, et al. v. Wismettac Asian Foods, Inc.* Case No. 19STCV18172, California
8 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;
9 • *Tapia v. Mercer Foods, Inc.* Case No. CV-21-000020, California Superior Court,
10 County of Stanislaus, Honorable Sonny S. Sandhu presiding;
11 • *Molina v. Reser's Fine Foods, Inc.* Case No. 37-2021-00013052-CU-OECTL, California
12 Superior Court, County of San Diego, Honorable Eddie C. Sturgeon presiding;
13 • *Reyes v. Imperial Sprinkler Supply, Inc.* Case No. 30-2020-01167748-CU-OE-CXC,
14 California Superior Court, County of Los Angeles, Honorable Peter Wilson presiding;
15 • *Zavala, et al. v. PLS Check Cashers, Inc.* Case No. 20STCV42586, California Superior
16 Court, County of Los Angeles, Honorable Elihu M. Berle presiding;
17 • *Paz v. Hill Brothers Chemical Company.* Case No. 20STCV48279, California Superior
18 Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
19 • *Garcia v. Inwesco Incorporated.* Case No. 20STCV46833, California Superior Court,
20 County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
21 • *Guevara v. J&K Culver, LLC, et al.* Case No. 19STCV39951, California Superior Court,
22 County of Los Angeles, Honorable Elihu M. Berle presiding;
23 • *Hamilton v. Michael Kors Stores, Inc. et al.*, Case No. 19STCV37061, California
24 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding;
25 • *Arzooian v. A&M Administration, LLC, et al.* Case No. 21STCV05576, California
26 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding;
27 • *Santos, et al. v. Maruzen of America, Inc.*, Case No. 19STCV37662, California Superior
28 Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding;

1 • *Schaffino v. M.O. Dion & Sons., Inc., et al.*, Case No. 20STCV38023, California Superior
2 Court, County of Los Angeles, Honorable Gail Killefer presiding;
3 • *Moreno v. Santa Paula Post Acute, LLC, et al.* Case No. 21STCV12533, California
4 Superior Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;
5 • *Singer v. Desert Area Resources and Training*, Case No. BCV-21-101093, California
6 Superior Court, County of Kern, Honorable Thomas S. Clark presiding;
7 • *Clarizio v. Guard-Systems, Inc.*, Case No. 21STCV28667, California Superior Court,
8 County of Los Angeles, Honorable Armen Tamzarian presiding;
9 • *Guzman v. Freschco Painters, Inc.*, Case No. 21STCV04683, California Superior Court,
10 County of Los Angeles, Honorable Lawrence P. Riff presiding;
11 • *Koutny v. PAE Aviation and Technical Services, LLC*, Case No. 21C-0106, California
12 Superior Court, County of Kings, Honorable Melissa R. D’Morias presiding;
13 • *Rodriguez v. Pacifica Trucks, LLC*, Case No. 20STCV37576, California Superior Court,
14 County of Los Angeles, Honorable Stuart Rice presiding;
15 • *Ramos v. AEGIS Treatment Centers, LLC*, Case No. 20STCV41429, California Superior
16 Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
17 • *Valdez v. Integrated Building Services, Inc.* Case No. 20STCV37793, California Superior
18 Court, County of Los Angeles, Honorable Elihu M. Berle presiding;
19 • *Harris v. America One Security, Inc.* Case No. 21STCV01399, California Superior
20 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;
21 • *Moreno v. M&J Seafood Company, Inc.* Case No. 22STCV03341, California Superior
22 Court, County of Los Angeles, Honorable William F. Highberger presiding;
23 • *Corrales v. Q&B Foods, Inc.* Case No. 20STCV40885, California Superior Court,
24 County of Los Angeles, Honorable Elihu Berle presiding;
25 • *Arteaga v. Demolition Specialist, Inc.* Case No. RIC2001133, California Superior Court,
26 County of Riverside, Honorable Harold Hopp presiding;
27 • *Vigil, et al. v. Capstone Turbine Corporation*, Case No. 20STCV32123, California
28 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;

1 • *Ramirez v. Sea-Win, Inc.* Case No. 21STCV22026, California Superior Court, County
2 of Los Angeles, Honorable Lawrence P. Riff presiding;
3 • *Ortega Chavez v. Winpak Lane, Inc.* Case No. CIVSB2207313, California Superior
4 Court, County of San Bernardino, Honorable Jessica Morgan presiding;
5 • *Garcia v. American Licorice Company.* Case No. RG21107049, California Superior
6 Court, County of Alameda, Honorable Brad Seligman presiding;
7 • *Madrono v. Vitale Nursing, Inc, et al.,* Case No. 21STCV09845, California Superior
8 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding; and
9 • *Orellana v. Advanced Building Maintenance.* Case No. 34-2020-00286791-CU-OE-
10 GDS, California Superior Court, County of Sacramento, Honorable Jill Talley presiding.
11 • *Aguilar v. Bioness, Inc., et al.,* Case No. 21STCV41702, California Superior Court,
12 County of Los Angeles, Honorable Lawrence P. Riff presiding;
13 • *Antoine v. Pinky Beverly Hills, LLC., et al.* Case No. 19STCV44856, California
14 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;
15 • *Phambui v. Fashion Marketing and Merchandising Group, Inc., et al.* Case No.
16 21STCV06634, Superior Court, County of Los Angeles, Honorable Stuart M. Rice presiding;
17 • *Ortega Chavez v. Winpak Lane, Inc., et al.* Case No. CIVSB2202274, California
18 Superior Court, County of San Bernardino, Honorable Jessica Morgan presiding;
19 • *Carrasco v O.H. Barkhordar D.D.S., Inc., et al.* Case No. 22STCV21188, California
20 Superior Court, County of Los Angeles, Honorable Lawrence Riff presiding;
21 • *Correia v. Gallo Glass Company, et al.* Case No. CV-21-006459, California Superior
22 Court, County of Stanislaus, Honorable Sonny S. Sandhu presiding;
23 • *Davis v. Beeline Import and Services, LLC, et al.* Case No. CIVSB2119287, California
24 Superior Court, County of San Bernardino, Honorable David Cohn presiding;
25 • *Angel Lopez v Innovative Coatings Technology Corporation dba Incotec, et al.* Case No.
26 30-2020-01173245-CU-OE-CXC, California Superior Court, County of Orange, Honorable Lon
27 Hurwitz presiding;
28 ///

- 1 • *Lopez v UPM, Inc., et al. Case No. 20STCV36695*, California Superior Court, County of
2 Los Angeles, Honorable Lawrence P. Riff presiding;
- 3 • *Moreno v. Infiniti Group LLC., et al. Case No. CIVSB2223551*, California Superior
4 Court, County of San Bernardino, Honorable Joseph T. Ortiz presiding;
- 5 • *Kelley v. Applus Technologies, Inc., et al. Case No. CIVSB2204889*, California Superior
6 Court, County of San Bernardino, honorable Jessica Morgan presiding;
- 7 • *Hernandez v Bromley Foods, Inc., et al. Case No. 56-2021-00561326-CU-OE-VTA*,
8 California Superior Court, County of Ventura, Honorable Henr Walsh presiding;
- 9 • *Heredia v. Alan Smith Pool Plastering, Inc., et al. Case No. 30-2020-01163609-CU-OE-*
10 *CXC*, California Superior Court, County of Orange, Honorable Randall J. Sherman presiding;
- 11 • *Martinez Guzman v Freshco Painters Inc., et al. Case No. 21STCV04683*, California
12 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;
- 13 • *Gomez Mireles v. USG Ceilings Plus, LLC., et al. Case No. 21STCV45606*, California
14 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;
- 15 • *Garzon v. Mobile Hi-Tech Wheels, LLC., et al., Case No. 21STCV15396*, California
16 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
- 17 • *Dethrasavong v. ASI Computer Technologies, Inc., et al. Case No. 20STCV32312*,
18 California Superior Court, County of Contra Costa, Honorable Kenneth R. Freeman presiding;
- 19 • *Lopez v. Waldorf Astoria Management LLC., et al. Case No. 20STCV17212*, California
20 Superior Court, County of Los Angeles, Honorable Maren Nelson presiding;
- 21 • *Viveros v. Mission Produce, Inc., et al. Case No. 20STCV15737*, California Superior
22 Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding;
- 23 • *Flores v. United Maintenance Company, Inc., et al. Case No. 21STCV07008*, California
24 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
- 25 • *Blandi v. Francesca Restaurant, LLC., et al. Case No. 37-2022-00049034-CU-OE-CTL*,
26 California Superior Court, County of San Diego, Honorable Marcella O. McLaughling presiding;
- 27 • *Lopez Cabrera v. South Valley Almond Company, LLC, et al. Case No. BCV-2-100722*,
28 California Superior Court, County of Kern, Honorable Bernard C. Barmann, Jr. presiding;

1 • Guillermo Cruz v. Alma Family Serives, et al. Case No. 21STCV18156, California
2 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;
3 • Davood v. NKSFB, LLC, et al. Case No. 22STCV17305, California Superior Court,
4 County of Los Angeles, Honorable Christopher K. Lui presiding;
5 • Ferrer v. Ineos USA, LLC., et al., Case No. 21STCV28076, California Superior Court,
6 County of Los Angeles, Honorable Elihu M. Berle presiding;
7 • Portillo Sanchez v. Paragon Services Janitorial Orange County, LLC, et al. Case No.
8 20STCV38562, California Superior Court, County of Los Angeles, Honorable William F.
9 Highberger presiding;
10 • Trigueros Garcia v. Highland Plastics, Inc., et al., Case No. CVRI2202836, California
11 Superior Court, County of Riverside, Honorable Harold Hopp presiding;
12 • Magana Ramirez v. 360 Support Services, et al. Case No. 22STCV20456, California
13 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;
14 • Morales v. Baldy's Restaurant Group, LLC., et al. Case No. 20STCV36535, California
15 Superior Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding;
16 • Gonzales v. El Monte Rents, Inc., et al. Case No. 21STCV10209, California Superior
17 Court, County of Los Angeles, Honorable Stuart M. Rice presiding;
18 • Gonzalez v. Total Education Solutions, Inc., et al. Case No. 20STCV37984, California
19 Superior Court, County of Los Angeles, Honorable Maren Nelson presiding;
20 • Helaire v. Smithfield Packaged Meats Corp, et al. Case No. JCCP5244, California
21 Superior Court, County of San Bernardino, Honorable Jessica Morgan presiding; Hernandez v.
22 Central Valley Recovery Services, et al. Case No. VCU290220, California Superior Court, County
23 of Tulare, Honorable Brett Hillman presiding;
24 • Hernandez v. SC Commercial, LLC, et al. Case No. 30-2020-01166961-CU-OE-CXC,
25 California Superior Court, County of Orange, Honorable Lon Hurwitz presiding;
26 • Hines v. Constellis Integrated Risk Management Services, et al. Case No.
27 20STCV26962, California Superior Court, County of Los Angeles, Honorable Christopher K. Lui
28 presiding;

1 • *Moya v. Valassis Direct Mail, Inc., et al.* Case No. 21STCV09412, California Superior
2 Court, County of Los Angeles, Honorable Stuart Rice presiding;
3 • *Jordan v. The Martin-Brower Company, LLC, et al.*, Case No. 21STCV41435, California
4 Superior Court, County of Los Angeles, honorable Stuart Rice presiding;
5 • *Juarez v. Calmet Services, Inc., et al.* Case No. 21STCV33668, California Superior
6 Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding;
7 • *Mcintosh v. WWL Vehicle Services Americas Inc., et al.* Case No. 56-2022-00562544-
8 CU-OE-VTA, California Superior Court, County of Ventura, Honorable Benjamin Coats
9 presiding;
10 • *Mendoza v. Amusement Industry, Inc., et al.* Case No. 21STCV09790, California
11 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;
12 • *Moore v. Dnata US Inflight Catering LLC, et al.* Case No. CGC-20-586512, California
13 Superior Court, County of San Francisco, Honorable Curtis Karnow presiding;
14 • *Peterson v. Sorenson Engineering, Inc., et al.* Case No. CIVDS2023994, California
15 Superior Court, County of San Bernardino, Honorable David Cohn presiding;
16 • *Torres v. Laurel Avenue, LLC, et al.* Case No. CIVSB2202708, California Superior
17 Court, County of San Bernardino, Honorable David Cohn presiding;
18 • *Nunley v. Cardinal Logistics Management Corporation et al.* Case No. CIVSB2210430,
19 California Superior Court, County of San Bernardino, Honorable Joseph T. Ortiz presiding;
20 • *Pastrana v. National Sign & Marketing Corporation et al.* Case No. CIVSB2118749,
21 California Superior Court, County of San Bernardino, Honorable David Cohn presiding;
22 • *Pineda v. Grand Life, Inc., et al.* Case No. 21STCV28066, California Superior Court,
23 County of Los Angeles, Honorable Elihu M. Berle presiding;
24 • *Pattingale v. Laird Family Estate, LLC et al.* Case No. 22CV000048, California Superior
25 Court, County of Napa, Honorable Cynthia P. Smith presiding;
26 • *Ramirez v. Sea Win, Inc., et al.* Case No. 21STCV22026, California Superior Court,
27 County of Los Angeles, Honorable Lawrence P. Riff presiding;
28 ///

1 • *Reategui v. Cal Building & Maintenance Industries, Inc.*, Case No. 20STCV39648,
2 California Superior Court, County of Los Angeles, Honorable William F. Highberger presiding;
3 • *Rodriguez v. ACRA Aerospace, LLC, et al.* Case No. 30-2020-01171360-CU-OE-CXC,
4 California Superior Court, County of Orange, Honorable Randall J. Sherman presiding;
5 • *Rodriguez v. Ultra Pro International LLC, et al.* Case No. 21STCV11250, California
6 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;
7 • *Ruiz v. Kleen Harvest, Inc., et al.* Case No. 21CV002319, California Superior Court,
8 County of Monterey, Honorable Thomas W. Wills presiding;
9 • *Roberto Ruiz v. Protech Delivery and Installation et al.* Case No. 21STCV07001,
10 California Superior Court, County of Los Angeles, Honorable Stuart M. Rice presiding;
11 • *Russell v. CIMC Reefer Trailer, Inc., et al.* Case No. RIC2001777, California Superior
12 Court, County of Riverside, Honorable Harld Hopp presiding;
13 • *Russell v. Staffmark Investment LLC, et al.* Case No. CVRI12103921, California
14 Superior Court, County of Riverside, Honorable Harold Hopp presiding;
15 • *Quintanilla et al. v. Chrome Hearts LLC, et al.* Case No. 21STCV43180, California
16 Superior Court, County of Los Angeles, Honorable Elihu B. Berle presiding;
17 • *Taat v. Acell, Inc., et al.* Case No. 37-2022-00005437-CU-OE-CTL, California Superior
18 Court, County of San Diego, Honorable Matthew C. Braner presiding;
19 • *Todd v. Motivate, LLC, et al.* Case No. CGC-23-605052, California Superior Court,
20 County of San Francisco, Honorable Anne- Christine Massullo presiding;
21 • *Turner Sr., v. The Sidewalk Café, Inc., et al.* Case No. 21STCV10154, California
22 Superior Court, County of Los Angeles, Honorable William F. Highberger presiding;
23 • *Vargas-Flores v. Harbor Bay Club, Inc., et al.* Case No. 21CV002396, California
24 Superior Court, County of Alameda, Honorable Michael Markman presiding;
25 • *Vasquez v. Liquid Technologies, Inc., et al.* Case No. CIVDS2023892, California
26 Superior Court, County of San Bernardino, Honorable Joseph Ortiz presiding;
27 • *Vasquez et al. v. Kingswood LLC, et al.*, Case No. 20STCV32123, California Superior
28 Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;

1 • *Sandoval Villafana v. Satco, Inc., et al.* Case No. 21STCV17085, California Superior
2 Court, County of Los Angeles, Honorable Yvette M. Palazuelos presiding;
3 • *Williams v. Marrs Services, Inc., et al.* Case No. 21STCV23775, California Superior
4 Court, County of Los Angeles, Honorable Stuart M. Stuart presiding;
5 • *Low v. Triple Canopy, Inc., et al.* Case No. 37-2023-0007078-CU-OE-CTL, California
6 Superior Court, County of San Diego, Honorable Carolyn Caietti presiding;
7 • *Camacho v. Premium Electric Corp, et al.* Case No. 22STCV26878, California Superior
8 Court, County of Los Angeles, Honorable David S. Cunningham presiding;
9 • *Lopez v. Bachem Americas, Inc., et al.* Case No. 23STCV04258, California Superior
10 Court, County of Los Angeles, Honorable Laura Seigle presiding;
11 • *Mendoza Cendejas v. E. & J. Gallo Winery, et al.* Case No. CV-22-005396, California
12 Superior Court, County of Stanislaus, Honorable Sonny S. Sandhu presiding;
13 • *Romero v. Armstrong Installation Service, et al.* Case No. 22CV022519, California
14 Superior Court, County of Alameda, Honorable Noel Wise presiding;
15 • *Perez v. D&G Restaurants, LLC, et al.* Case No. 30-2021-01209638-CU-OE-CXC,
16 California Superior Court, County of Orange, Honorable Peter Wilson presiding;
17 • *Sarmiento, et al. v. Neil Jones Food Company* Case No. 21CECG03825, California
18 Superior Court, County of Fresno, Hon. Kristi Culver Kapetan presiding; and
19 • *Garcia v. Nature Fresh Farms, LLC, et al.* Case No. ECU001961, California Superior
20 Court, County of Imperial, Honorable Jeffery B. Jones presiding.

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

23 • *Flores v. Delta Apparel, Inc.*, Case No. BC641499, California Superior Court, County
24 of Los Angeles, Honorable Daniel J. Buckley, presiding;
25 • *Segura v. CJ Foods Service Holdings USA, LLC*, Case No. 19STCV24918, California
26 Superior Court, County of Los Angeles, Honorable Maureen Duffy-Lewis, presiding;
27 • *Sierra v. Nexem-Allied, LLC*, Case No. 20STCV11281, California Superior Court,
28 County of Los Angeles, Honorable Randolph M. Hammock, presiding;

1 • *Nodal v. Sodexo, Inc.*, Case No. 20STCV40601, California Superior Court, County of
2 Los Angeles, Honorable Lawrence Riff, presiding; and
3 • *Cooper v. Lucas Health Partners*, Case No. 20STCV20050, California Superior Court,
4 County of Los Angeles, Honorable Maren Nelson, presiding;
5 • *Herrera v. Greystar Management, LP, et al.*, Case No. 37-2020-00009672-CU-OE-CTL,
6 California Superior Court, County of San Diego, Honorable Carolyn Caietti, presiding;
7 • *Slater v. Jo-Ann Stores, LLC.*, Case No. 21STCV18454, California Superior Court,
8 County of Los Angeles, Honorable Maurice A. Leiter, presiding;
9 • *Bolanos v. Canoga Park Heating & Air Conditioning, Co., Inc.*, Case No. 21STCV12674,
10 California Superior Court, County of Los Angeles, Honorable Yolanda Orozco, presiding;
11 • *Granados v. Cosmetic Ideas, Inc.* Case No. 21STCV10797, California Superior Court,
12 County of Los Angeles, Honorable Richard L. Fruin, presiding;
13 • *Ruano v. DPC Woodwork, Inc.* Case No. 21STCV00408, California Superior Court,
14 County of Los Angeles, Honorable Jon R. Takasugi presiding;
15 • *Hardy v. Texas Roadhouse Management Corp., et al.* Case No. CIVSB2222259,
16 California Superior Court, County of San Bernardino, Honorable Jessica Morgan presiding;
17 • *Iraheta v Legacy Farmers, Inc., et al.* Case No. MSC21-00762, California Superior
18 Court, County of Los Angeles, Honorable Charles S. Treat presiding;
19 • *Landin v Central Janitors' Supply Co., Inc., et al.* Case No. CV-21-006391, California
20 Superior Court, County of Stanislaus, Honorable Sonny S. Sandhu presiding;
21 • *Bailey v. Cannon Constructors, et al.* Case No. 21STCV38274, California Superior
22 Court, County of Los Angeles, Honorable Carolyn Kuhl presiding;
23 • *Johns, et al. v. Whelan Security of California, Inc., et al.* Case No. 22STCV68687,
24 California Superior Court, County of Los Angeles, Honorable Laura Seigle presiding;
25 • *Carrion v. Clutter, Inc., et al.* Case No. 23STCV06709, California Superior Court,
26 County of Los Angeles, Honorable Kerry Bensinger presiding;
27 • *Delia v. The Irvine Company, LLC, et al.* Case No. 30-2019-01050823-CU-OE-CXC,
28 California Superior Court, County of Orange, Honorable William D. Claster presiding;

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

3 • *German Vaca et al., v. California Pizza Kitchen, Inc., et al.* Case No. 30-2022-01278828-
4 CU-OE-CXC, California Superior Court, County of Orange, Honorable Randall Sherman
5 presiding;

6 • *London Young v. Amazon.com LLC, et al.* Case No. 21STCV38280, California Superior
7 Court, County of Los Angeles, Honorable Elaine Lu presiding;

8 • *Martinez v. Dick's Sporting Goods, Inc., et al.* Case No. 22STCV17283, California
9 Superior Court, County of Los Angeles, Honorable Armen Tamzarian presiding;

10 • *Latrice Ackles v. Brinker Restaurant Corporation, et al.* Case No. 22STCV19068,
11 California Superior Court, County of Los Angeles, Honorable Gail Killefer presiding; and

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

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

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

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

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

27 14. Currently, my firm is acting as counsel in dozens of wage and hour class actions
28 and representative PAGA actions.

1 15. I believe that I am sufficiently experienced and qualified to evaluate the claims
2 alleged in this action and viability of Defendant's defenses.

3 16. After a thorough investigation and settlement discussions, I arrived at terms that I
4 viewed was in the best interest of both Plaintiffs and Aggrieved Employees.

5 **Plaintiffs' Counsels' Requested Fees and Costs are Reasonable**

6 17. I believe Plaintiffs' Counsel are entitled to recover attorneys' fees and costs.
7 Plaintiffs' Counsel requests a fee of one-third of the Gross Settlement Amount, which, unless and
8 until escalated pursuant to the Parties' Settlement Agreement, amounts to \$163,000.00. The
9 request of one-third of the Gross Settlement Amount in attorneys' fees is reasonable; it is well
10 within the range of fees generally sought and approved in other class and representative cases and
11 is also reasonable based on Plaintiff's Counsel's lodestar.

12 18. Plaintiffs' Counsel invested time and resources into litigating this Action, with
13 Bibiyan Law Group expending \$1,914.16 of costs to date and counting, deferred to the end of the
14 case and entirely contingent on the outcome, which, as set forth above, the recovery of which was
15 far from certain with much of the litigation still potentially pending.

16 19. During the period that this Action has been pending, Plaintiffs' Counsel have
17 advanced all expenses, and have not received any compensation for prosecuting the Action on
18 behalf of the State and other Aggrieved Employees.

19 **An Award of Fees Based on a Percentage of the Common Fund**
20 **is Appropriate and Reasonable**

21 20. I believe the percentage of attorneys' fees set forth in the Settlement (i.e., one-third
22 of the Gross Settlement Amount) is reasonable. I am informed and believe that, historically, courts
23 have awarded percentage fees in the range of 20% to 50% in collective actions, depending on the
24 circumstances of the case.

25 21. Here, I believe the requested fee is consistent with the fees awarded in other PAGA
26 settlements approved by California courts.

27 22. Plaintiffs' Counsel invested time and resources into litigating this Action, with
28 Bibiyan Law Group expending \$1,914.16 of costs to date and counting, deferred to the end of the

1 case and entirely contingent on the outcome, which, as set forth above, the recovery of which was
2 far from certain with much of the litigation still potentially pending. It has been a long-recognized
3 principle that an attorney merits a significantly larger fee when the compensation is contingent,
4 rather than being fixed on a time or contractual basis. During the period that this Action has been
5 pending, Plaintiff's Counsel have advanced all expenses and have not received any compensation
6 for prosecuting the Action on behalf of the State and other Aggrieved Employees.

7 23. I believe the significant outlay of monetary and personnel resources has been
8 completely at risk and wholly dependent upon obtaining a substantial settlement or the imposition
9 of civil penalties at trial. I believe Plaintiff's Counsel should not be penalized with a lower fee for
10 settling the case prior to trial, because the percentage of the fund method "encourages early
11 settlement, which avoids protracted litigation." Thus, the requested award of attorneys' fees is
12 reasonable under the percentage of the fund method.

13 **The Requested Fees are Also Reasonable Under a Lodestar Crosscheck**

14 24. I understand from my position as principal of Bibiyan Law Group, P.C., my
15 involvement with the case, and information provided by my staff, that Bibiyan Law Group, P.C.,
16 will have collectively billed 293.7 hours at customary hourly rates.

17 25. Plaintiffs' Counsel at Bibiyan Law Group's hourly rate in this case for David D.
18 Bibiyan is \$1,100 per hour (approx. 31.3 hours); Vedang J. Patel is \$750 per hour (approx. 8.5
19 hours); Henry Glitz is \$650 per hour (approx. 141.7 hours); Brandon M. Chang is \$600 per hour
20 (approx. 16.8 hours); Kyle Gallego is \$400 per hour (approx. 61.9 hours); Paralegals are \$175 per
21 hour (approx. 21.5 hours); and Legal Assistants are \$75 per hour (approx. 12.0 hours). At Plaintiffs'
22 Counsel's hourly rates, this results in a total lodestar amount of \$172,413 for Bibiyan Law Group,
23 P.C. Plaintiffs' Counsel requests attorneys' fees of \$163,000.00.

24 **Bibiyan Law Group's Hours Spent on the Case**

25 26. After diligent inquiry of the members of my firm, I can attest that Bibiyan Law
26 Group, P.C., has spent over 290 hours litigating this Action to bring it to resolution, not including
27 time which will be expended monitoring the administration of the settlement and distribution of
28 funds to Aggrieved Employees.

1 27. Plaintiffs' Counsel at Bibiyan Law Group, P.C. have already spent hundreds of
2 hours litigating this case to date and bringing it to fruition. Tens of hours were spent on this case
3 prior to litigation meeting with Plaintiff, reviewing policies provided by Plaintiff Ramirez, review
4 of documents in Plaintiff Ramirez's possession, review and analysis of Plaintiff Ramirez's
5 personnel files, and understanding Defendant's business structure, officers, directors,
6 stockholders and managing agents' policies. Tens of hours were spent drafting Plaintiff Ramirez's
7 two initial complaints. Tens of hours were spent meeting and conferring with opposing counsel
8 and drafting and filing various joint stipulations and joint reports. Tens of hours were spent
9 reviewing, analyzing, and opposing Defendant's Motion to Compel Arbitration filed in the
10 Superior Court of California for the County of Kern, Case No. BCV-22-102808. Tens of hours
11 were spent working with co-counsel for Plaintiffs. Several hours were spent negotiating, drafting,
12 and filing a request for dismissal of Plaintiff Ramirez's PAGA Action in the Superior Court of
13 California for the County of Kern, Case No. BCV-23-102866. Tens more hours were spent
14 negotiating with Defendant regarding Defendant's appeal of the Court's denial of Defendant's
15 Motion to Compel Arbitration. Tens more hours were spent negotiating a memorandum of
16 understanding and the long-form settlement the agreement.

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

23 29. Plaintiffs' Counsel also bears the risk of taking whatever actions are necessary if
24 Defendant fails to pay. Thus, the Court should find that Plaintiffs' Counsel's hours were necessary
25 and reasonable to achieve the excellent result here. Plaintiffs' Counsel's hourly rates are in line with,
26 and, in fact, modest, compared with the hourly rates of other counsel in similar actions.

27 30. And, the over 290 hours expended by the lawyers and staff members of Bibiyan
28 Law Group, P.C., in connection with this Action is only a calculation of efforts made thus far; it

1 does not include the time that will be spent preparing for and attending the approval hearing,
2 reviewing the Settlement Administrator's final calculations and subsequent coordination with the
3 Settlement Administrator to ensure payments to Aggrieved Employees are timely distributed.
4 Thus, Plaintiffs' Counsel requests that the Court find that these hours are reasonable in this
5 litigation

6 **Costs Incurred by Plaintiffs' Counsel at Bibiyan Law Group, P.C.**

7 31. The Settlement provides for reimbursement of Plaintiffs' Counsel's actual
8 litigation costs. Plaintiff's Counsel at Bibiyan Law Group, P.C. requests \$1,914.16 in total for
9 costs incurred. Because these costs are reasonable, Plaintiffs' Counsel requests that the Court
10 approve those costs.

11 32. The itemized costs incurred by Bibiyan Law Group, P.C., in the above-referenced
12 matter total \$1,914.16:

13	a. Filing and Messenger Costs	\$1,079.05
14	b. Court Call	\$72.00
15	c. Transcripts	\$192.50
16	d. Service of Process	\$460.00
17	e. Postage	\$68.21
18	f. Photocopies (211 x \$0.20)	\$42.40

19
20 I declare under penalty of perjury under the laws of the state of California that the foregoing
21 is true and correct this 15th day of April, 2025, at Los Angeles, California.

22 David D. Bibiyan
23 David D. Bibiyan
24
25
26
27
28