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9 Attorneys for Plaintiff GREGORIO PINEDA,
10 individually and on behalf of others similarly
situated

11 *[additional counsel listed on next page]*

12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**

15
16 GREGORIO PINEDA, individually and on
behalf of others similarly situated,

17 Plaintiff,

18 vs.

19 ORTHOPAEDIC HOSPITAL dba
20 ORTHOPAEDIC INSTITUTE FOR
CHILDREN AND LUSKIN ORTHOPAEDIC
21 INSTITUTE FOR CHILDREN, a California
Nonprofit Corporation; ORTHOPAEDIC
22 HOSPITAL MEDICAL GROUP, INC., a
California Corporation; ORTHOPAEDIC
23 INSTITUTE FOR CHILDREN
AMBULATORY SURGERY CENTER, LLC,
24 a California Limited Liability Company;
ORTHOPAEDIC INSTITUTE FOR
25 CHILDREN FOUNDATION, a California
Nonprofit Corporation; and DOES 1 through
26 25, inclusive,

27 Defendants.
28

CASE NO.: CIVSB2424446

Case No. 24STCV01618

[Related to Case Nos. 24STCV07307,
24STCV03460, and 24STCV10042]

*Assigned for all purposes to the Honorable
Elihu M. Berle, Dept 6*

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

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Attorneys for Plaintiff CHARLES WILKINS, on
behalf of himself and all others similarly situated

1
2 **DECLARATION OF DAVID D. BIBIYAN**

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

8 **Adequacy of Class Counsel**

9 2. I am an experienced class action attorney, have been appointed as class counsel in
10 other class actions, and have a successful track record in litigating class actions.

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

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

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

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

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

25 8. I have filed contested motions for class certification in the past and have been
26 appointed Class Counsel by the Superior Court of California in the past. Some examples of
27 Actions in which I was appointed Class Counsel include:

- 28
 - *Santoyo v. Consolidated Foundries, Inc.*, Case No. BC612298, California Superior

1 Court, County of Los Angeles, Honorable Judge Ann I. Jones, presiding.

2 • *Arendsdorff v. Stanley Steamer International, Inc.*, Case No. BC681368, California

3 Superior Court, County of Los Angeles, Honorable Yvette M. Palazuelos, presiding.

4 • *Barreto v. Don Roberto Jewelers, Inc.*, Case No. BC495451, California Superior Court,

5 County of Los Angeles, Honorable Ann I. Jones, presiding.

6 • *Junior Amilcar Laguna Gonzalez v. Takaaki Koyama*, Case No. BC641998, Los Angeles

7 Superior Court, Honorable Elihu M. Berle, presiding.

8 • *Rios v. Nongshim America, Inc.*, Case No. CIVDS1807390, California Superior Court,

9 County of San Bernardino, Honorable David S. Cohn, presiding.

10 • *Stoddard v. Molded Fiber Glass – West*, Case No. 1517758, California Superior Court,

11 County of San Bernardino, Honorable David S. Cohn, presiding.

12 • *Mata v. Sahara Scaffold, Inc.*, Case No. CIVDS1810785, California Superior Court,

13 County of San Bernardino, Honorable David S. Cohn, presiding.

14 • *Carrasco v. Pure Dental Solutions*, Case No. BC645995, Los Angeles Superior Court,

15 Honorable Kenneth R. Freeman, presiding.

16 • *Gonzalez v. Gochez, et al.*, Case No. BC648729, Los Angeles Superior Court, Honorable

17 Maren Nelson, presiding.

18 • *Montoya v. Superior Paving Co.*, Case No. CIVDS1833422, County of San Bernardino,

19 Honorable David S. Cohn, presiding.

20 • *Lopez v. Norred & Associates, Inc.*, Case No. CIVDS1824109, California Superior

21 Court, County of San Bernardino, David S. Cohn, presiding.

22 • *Noyola v. Lacren, LLC*, Case No. BC717024, California Superior Court, County of Los

23 Angeles, Hon. Anthony Mohr, presiding.

24 • *Luciano, et al. v. O’Tasty Foods, Inc., et al.*, Case No. BC711988, California Superior

25 Court, County of Los Angeles, Honorable Maren Nelson, presiding.

26 • *Gordon v. Hospice Source, LLC*, Case No. 34-2018-00250022-CU-OE-GDS, California

27 Superior Court, County of Sacramento, Honorable Christopher E. Krueger, presiding.

28 • *Barragan v. Refrigeration Supplies Distributor*, Case No. 19STCV09312, California

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

1 County of Solano, Honorable Wendy G. Getty, presiding.

2 • *Hanson v. Zapata Nuccio, Inc.*, Case No. 20STCV28951, California Superior Court,

3 County of Los Angeles, Honorable Elihu M. Berle, presiding.

4 • *Molina v. Avibank Mfg, Inc.*, Case No. 20STCV03910, California Superior Court,

5 County of Los Angeles, Honorable John P. Doyle, presiding.

6 • *Cetina v. Lawry's Restaurants, Inc.*, Case No. 19STCV05201, California Superior Court,

7 County of Los Angeles, Honorable Amy D. Hogue, presiding;

8 • *Luna v. Pronto California General Agency, LLC*, Case No. 19STCV39951, California

9 Superior Court, County of Los Angeles, Honorable Elihu M. Berle, presiding.

10 • *Alvarez v. Kazak-Mars, Inc.*, Case No. 20STCV42587, California Superior Court,

11 County of Los Angeles, Honorable Elihu M. Berle, presiding.

12 • *Noe v. My Pillow, Inc.* Case No. CIVDS 2011360, California Superior Court, County of

13 San Bernardino, Honorable David Cohn, presiding.

14 • *Nunez v. 2751 West Coast Acquisition Company*, Case No. 30-2020-01145215-CU-

15 OE-CXC, California Superior Court, County, County of Orange, Honorable Randall J. Sherman,

16 Presiding.

17 • *Smith v. McMillen Enterprises, Inc.*, Case No. CV-20-002938, California Superior Court,

18 County of Stanislaus, Honorable John R. Mayne, presiding.

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

20 County of San Bernardino, Honorable David Cohn, presiding.

21 • *Duran v. Fresh Select, LLC*, Case No. VCU284892, California Superior Court, County

22 of Tulare, Honorable Bret Hillman, presiding.

23 • *Reynoso, et al. v. Cream of the Crop AG Service, Inc.*, Case No. VCU278847, California

24 Superior Court, County of Tulare, Honorable Bret Hillman, presiding.

25 • *Michel v. Universal Waste Systems, Inc.*, Case No. 19STCV46181, California Superior

26 Court, County of Los Angeles, Honorable David S. Cunningham presiding.

27 • *Jungers v. U.S. Borax Inc., et al.*, Case No. BCV-21-10003, California Superior Court,

28 County of Kern, Honorable Bernard C. Barmann Jr. presiding.

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
28 Superior Court, County of Los Angeles, Honorable Kenneth R. Freeman presiding.

1 • *Schaffino v. M.O. Dion & Sons., Inc., et al.*, Case No. 20STCV38023, California
2 Superior 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
10 Court, 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
14 Court, County of Los Angeles, Honorable Stuart Rice presiding.

15 • *Ramos v. AEGIS Treatment Centers, LLC*, Case No. 20STCV41429, California
16 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding.

17 • *Valdez v. Integrated Building Services, Inc.* Case No. 20STCV37793, California
18 Superior 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 • *Lopez v UPM, Inc., et al.* Case No. 20STCV36695, California Superior Court, County of

1 Los Angeles, Honorable Lawrence P. Riff presiding;

2 • *Moreno v. Infiniti Group LLC.*, et al. Case No. CIVSB2223551, California Superior
3 Court, County of San Bernardino, Honorable Joseph T. Ortiz presiding;

4 • *Kelley v. Applus Technologies, Inc.*, et al. Case No. CIVSB2204889, California Superior
5 Court, County of San Bernardino, honorable Jessica Morgan presiding;

6 • *Hernandez v Bromley Foods, Inc.*, et al. Case No. 56-2021-00561326-CU-OE-VTA,
7 California Superior Court, County of Ventura, Honorable Henr Walsh presiding;

8 • *Heredia v. Alan Smith Pool Plastering, Inc.*, et al. Case No. 30-2020-01163609-CU-OE-
9 CXC, California Superior Court, County of Orange, Honorable Randall J. Sherman presiding;

10 • *Martinez Guzman v Freshco Painters Inc.*, et al. Case No. 21STCV04683, California
11 Superior Court, County of Los Angeles, Honorable Lawrence P. Riff presiding;

12 • *Gomez Mireles v. USG Ceilings Plus, LLC.*, et al. Case No. 21STCV45606, California
13 Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding;

14 • *Garzon v. Mobile Hi-Tech Wheels, LLC.*, et al., Case No. 21STCV15396, California
15 Superior Court, County of Los Angeles, Honorable Carolyn B. Kuhl presiding;

16 • *Dethrasavong v. ASI Computer Technologies, Inc.*, et al. Case No. 20STCV32312,
17 California Superior Court, County of Contra Costa, Honorable Kenneth R. Freeman presiding;

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

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

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

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

26 • *Nodal v. Sodexo, Inc.*, Case No. 20STCV40601, California Superior Court, County of
27 Los Angeles, Honorable Lawrence Riff, presiding.

28 • *Cooper v. Lucas Health Partners*, Case No. 20STCV20050, California Superior Court,

1 County of Los Angeles, Honorable Maren Nelson, presiding.

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

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

6 • *Bolanos v. Canoga Park Heating & Air Conditioning, Co., Inc.*, Case No.
7 21STCV12674, California Superior Court, County of Los Angeles, Honorable Yolanda Orozco,
8 presiding.

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

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

13 • *Tarin v. TPS Solutions, Inc.*, Case No. 21STCV07844, California Superior Court,
14 County of Los Angeles, Honorable Maren E. Nelson 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 10. Currently, my firm is acting as counsel in tens of wage and hour class actions and
22 representative PAGA actions.

23 11. After a thorough investigation and settlement discussions, Class Counsel arrived at
24 terms that they viewed was in the best interest of both the class members and the parties.

25 12. Should the Court refuse to grant preliminary approval of this Settlement, many of
26 the Class Members may be denied any recourse for defendant's alleged violations.

27 13. For these reasons, as well as the reasons provided in the declarations filed
28 concurrently, I believe that Class Counsel are sufficiently experienced and qualified to evaluate the

1 class members' claims and viability of defendant's defenses.

2 14. I believe, and as further set out in the declarations filed concurrently, the settlement
3 presented here only resulted after having engaged in extensive informal and formal discovery and
4 investigation, and is the product of hard-fought litigation and extensive arm's-length negotiations.

5 15. I believe, based on my experience as class counsel, that the Settlement is fair,
6 reasonable, adequate and in the best interests of class members.

7 I declare under penalty of perjury under the laws of the state of California that the
8 foregoing is true and correct this October 15, 2025 at Los Angeles, California.

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/s/ David D. Bibiyan

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David D. Bibiyan

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