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DEC 07 2023
Filed
STEPHANIE BOHRER, CLERK
By *[Signature]*
DEPUTY

Attorneys for Plaintiff

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN JOAQUIN
11 (UNLIMITED JURISDICTION)

13 EDGAR MONTES SANCHEZ,
14 ARTURO RAMIREZ ALVAREZ,
15 FILIBERTO LOPEZ HERRERA, and
16 SERGIO JIMENEZ GARCIA, as
17 individuals and on behalf of all other
18 similarly situated persons, and MARTIN
19 VARELA SIFUENTES and
20 ESPERANZA HERRERA RAMIREZ, as
21 successors-in-interest to Daniel Varelas
22 Herrera,

Plaintiffs,

vs.

21 SARBANAND FARMS, LLC; MUNGER
22 BROS., LLC.; CROWNE COLD
23 STORAGE, LLC; ROBERT HAWK;
24 CLIFF WOOLLEY; and DOES 1 through
25 10.

Defendants.

CLASS ACTION

Case No.: STK-CV-VOE-2020-4825

sd
~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR CONDITIONAL
CLASS CERTIFICATION AND
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Action Filed: June 11, 2020

Trial: Not set

Hon. George Abdallah

Hearing Date: DEC 07 2023

Time: 9:00 A.M.

Department: 10A

OCT 27 2023

26 The above-captioned matter came on for hearing before the Court on Dec. 7, 2023
27 2023 on Plaintiffs' Motion For Conditional Class Certification And Preliminary Approval Of
28 Class Action Settlement. The Parties have entered into a class settlement, attached as Exhibit 1 to

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FAXED

1 the Declaration of Ezra Kautz (the "Agreement") which, if approved, would resolve this class
2 action lawsuit (the "Action").

3 Upon review and consideration of the moving papers and the Agreement and exhibits
4 thereto, including the proposed form of notice to the class ("Class Notice"), the Court finds that
5 there is sufficient basis for (1) granting the motion for provisional class certification and
6 preliminary approval of the class settlement; (2) approving the Parties' proposed form and
7 method of notice to the members of the class; (3) approving the Parties' proposed Class Notice;
8 (4) staying all non-settlement related proceedings in the Action pending final approval of the
9 settlement; and (5) setting a final approval hearing ("Fairness Hearing") at which the Court will
10 consider whether to grant final approval of the class action settlement and Plaintiff's counsel's
11 application for attorneys' fees and costs and incentive award to Plaintiff.

12 IT IS HEREBY ORDERED THAT:

13 1. Plaintiffs' Motion for Conditional Class Certification and Preliminary Approval of Class
14 Action Settlement is GRANTED.

15 a. The Court finds that provisional class certification is appropriate because (a) the
16 proposed Class and Subclass are ascertainable and sufficiently numerous; (b) a
17 well-defined community of interest exists; and (c) there are substantial benefits
18 from certification that render proceeding on a class-wide basis superior to any
19 alternatives.

20 b. Furthermore, the Court finds that (a) the terms of the Agreement appear to be fair
21 and reasonable to the Class when balanced against the probably outcome of further
22 litigation relating to class certification, liability and damage issues, and potential
23 appeals; (b) Class Counsel is experienced in wage and hour class action litigation;
24 (c) sufficient investigation was undertaken and sufficient information was
25 exchanged, enabling Plaintiffs and Defendants to reasonably evaluate one
26 another's positions; (d) approving the Agreement will avoid substantial costs,
27 delay, and risks that would be presented by further litigation; and (e) the terms of
28 the Agreement were the result of intensive, serious, and non-collusive negotiations

1 between Plaintiff and Defendants, including private mediation.

2 c. Accordingly, the Court preliminarily finds that the Agreement falls within the
3 range of possible approval and therefore meets the requirements for preliminary
4 approval.

5 2. The Court conditionally certifies the “California H-2A Class” (or the “Class”) for the
6 purpose of the Agreement, defined as follows:

7 All individuals employed by Munger Bros., LLC or Crowne Cold
8 Storage, LLC under the H-2A program in California recruited by
9 Defendants to work as H-2a employees for Munger Bros., Crowne
10 Cold Storage, and/or Sarbanand and commenced work in May of
11 2017 at Munger Bros. or Crowne Cold Storage facilities or fields in
12 California.

13 3. The Court conditionally certifies the “California-Only Subclass” (or the “Subclass”) for
14 the purpose of the Agreement, defined as follows:

15 All members of the California H-2A Class who did not continue to
16 work for Defendants in Washington in 2017 and whose
17 employment was terminated at the end of the 2017 California
18 blueberry season.

19 4. The Court conditionally appoints Ezra Kautz, Cynthia L. Rice, and Cecilia Guevara
20 Langberg of California Rural Legal Assistance Foundation (“CRLAF”) as Class Counsel.

21 5. The Court conditionally appoints Atticus Administration, LLC to serve as the settlement
22 administrator and to carry out all duties and responsibilities of the Claims Administrator
23 as specified in the Agreement.

24 6. The Court approves the method of disseminating notice to the members of the Class in
25 English and Spanish, as set forth in the Agreement, and approves the form and content of
26 the Class Notice attached to the Declaration of Ezra Kautz as Exhibit 2. The Court finds
27 that the proposed form and content of the Class Notice is reasonably clear and should be
28 reasonably understandable to members of the Class. The Court finds that the proposed
 method of notice provided in the Agreement constitutes the best notice practicable under
 the circumstances, and will provide valid, due, and sufficient notice to the Class in full
 compliance with the requirements of applicable law and is the only notice to the Class of
 the Settlement that is required prior to final approval.

- 1 7. No later than 5 days from the date of this Order, Defendants' counsel shall provide to the
2 Claims Administrator with a list of all members of the Class, their last known addresses,
3 telephone numbers, the unique identifier used during discovery, and social security or
4 individual taxpayer identification numbers. Class Counsel shall supplement the
5 information with any more recent contact information available for members of the Class.
- 6 8. The Claims Administrator shall be responsible for preparing, printing, and mailing to
7 members of the Class the Class Notice. A Spanish language translation of all materials
8 mailed to the Class shall be included as part of the same mailing.
- 9 9. Within thirty (30) days from the date of this Order, the Claims Administrator shall send a
10 copy of the Class Notice to the Class via First Class regular U.S. mail, postage prepaid,
11 using the most current mailing address information available. The date of the original
12 mailing will be the Notice Date. For any Class Notice returned to the Claims
13 Administrator as non-deliverable within thirty (30) days of the Notice Date, the Claims
14 Administrator shall make prompt and reasonable efforts to locate the person involved,
15 using appropriate search methods. If new address information is obtained, the Claims
16 Administrator shall promptly re-mail the Class Notice to the addressee via First Class
17 regular U.S. mail, postage prepaid, using the new address. The Claims Administrator will
18 also send electronic notice via WhatsApp to the Class within thirty (30) days from the date
19 of this Order.
- 20 10. The Court will hold a Final Approval Hearing on MARCH 14, 2024 at 9:00 a.m. to
21 determine whether to grant final approval of the Agreement, whether Final Judgment
22 should be entered dismissing the Action with prejudice, and whether Plaintiffs' counsel's
23 application for an award of attorneys' fees and costs and Plaintiffs' incentive award
24 pursuant to the Settlement should be approved.
- 25 11. The Parties shall file any motions in support of final approval of the Agreement no later
26 than FEB. 1, 2024. Plaintiffs' counsel shall file their fee application no later
27 than FEB. 1, 2024, to be heard at the same time as the motion for final
28 approval.

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12. Any objections to final approval of the Agreement or Plaintiff's counsel's fee application shall be filed no later than MARCH 14, 2024.

13. The Parties shall file any reply papers in support of final approval or Plaintiff's counsel's fee application no later than FEB. 15, 2024.

14. This Order shall become null and void and shall be without prejudice to the rights of the Parties, all of whom shall be restored to their respective positions existing immediately before the Court entered this Order if: (a) the Agreement is not finally approved by the Court, or does not become final, pursuant to the terms of the Agreement; or (b) the Agreement does not become effective pursuant to the terms of the Agreement for any reason.

15. Pending the final determination of whether the Settlement should be approved, all proceedings in this Action, except as may be necessary to implement the Agreement or to comply with the terms of the Agreement are hereby stayed.

IT IS SO ORDERED.

Dated: 12/7/23



Hon. George Abdallah