

FILED
Superior Court of California,
County of Madera
09/11/2023

Adrienne Calip / Clerk of Court
By: Annie Gomez, Deputy Clerk

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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF MADERA**

9
10 CLAUDIO VALDEZ, as an individual and on
behalf of all others similarly situated,

11
12 Plaintiff,

13 vs.

14 LABOR FORCE MANAGEMENT, INC., a
California corporation; FOWLER PACKING
15 COMPANY, INC., a California corporation;
and DOES 1 through 100,

16
17 Defendants.

Case No.: MCV086790

[Assigned for all purposes to the Hon.
Michael J. Jurkovich, Dept. 44]

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: September 11, 2023
Time: 8:30 a.m.
Dept.: ~~44~~ 45

Complaint Filed: March 1, 2022
Trial Date: None Set

1 The unopposed motion of Plaintiff Claudio Valdez (“Plaintiff”) for Preliminary Approval
2 of Class Action Settlement came on regularly for hearing before this Court on September 11,
3 2023, at 8:30 a.m. The Court, having considered the proposed Stipulation of Class and PAGA
4 Settlement (the “Settlement” or “Settlement Agreement”), attached as Exhibit 1 to the Declaration
5 of Daniel J. Brown filed concurrently herewith; having considered Plaintiff’s Motion for
6 Preliminary Approval of Class Action Settlement, Memorandum of Points and Authorities in
7 support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY
8 ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set
10 forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement
11 that ultimately could be granted approval by the Court at a Final Fairness Hearing. For purposes
12 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
13 there is a sufficiently well-defined community of interest among the members of the Settlement
14 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
15 conditional certification of the following Settlement Class:

16 All current and former non-exempt employees of Labor Force
17 Management, Inc. who performed work for Fowler Packing Company,
18 Inc. in California at any time from November 13, 2020, through March
19 17, 2022 (“Class Period”).

20 2. For purposes of the Settlement, the Court designates Claudio Valdez as Class
21 Representative and Daniel J. Brown of Stansbury Brown Law, PC as Class Counsel.

22 3. The Court designates Phoenix Settlement Administrators as the third-party
23 Settlement Administrator for mailing notices.

24 4. The Court approves, as to form and content, the Notice of Pendency of Class
25 Action and Proposed Settlement (“Class Notice”) and Request for Exclusion Form attached as
26 Exhibits A and B respectively to the Settlement Agreement filed concurrently herewith.

27 5. The Court finds that the form of notice to the Settlement Class regarding the
28 pendency of the action and of the Settlement, and the methods of giving notice to members of the
Settlement Class constitute the best notice practicable under the circumstances, and constitute

1 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
2 giving notice complies fully with the requirements of California Code of Civil Procedure section
3 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California
4 and United States Constitutions, and other applicable law.

5 6. The Court further approves the procedures for Settlement Class Members to opt
6 out of or object to the Settlement, as set forth in the Class Notice.

7 7. The procedures and requirements for filing objections in connection with the Final
8 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
9 presentation of any Settlement Class Member's objection to the Settlement, in accordance with
10 the due process rights of all Settlement Class Members.

11 8. The Court directs the Settlement Administrator to mail the Class Notice and
12 Request for Exclusion Form to the members of the Settlement Class in accordance with the terms
13 of the Settlement. The Court directs the Settlement Administrator to carry out all duties as
14 required by the Settlement.

15 9. The Class Notice shall provide at least 60 calendar days' notice for Settlement
16 Class Members to opt out of, or object to, the Settlement. Any Request for Exclusion or written
17 objection shall be submitted directly to the Settlement Administrator and not filed with the Court.
18 Upon receipt of any Requests for Exclusion or written objection, the Settlement Administrator
19 shall forward copies of all Requests for Exclusion or written objection to counsel for all Parties.
20 The Settlement Administrator shall file a declaration concurrently with the filing of the Motion
21 for Final Approval of Class Action Settlement which authenticates a copy of every written
22 objection received by the Settlement Administrator.

23 10. The Final Fairness Hearing on the question of whether the Settlement should be
24 finally approved as fair, reasonable, and adequate is scheduled in Department ⁴⁵~~44~~ of this Court,
25 located at 200 S. G Street, Madera, California 93637 on 4/16/24 at 8:30 a.m.

26 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
27 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
28 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's

1 application for reasonable attorneys' fees, reimbursement of litigation expenses, Service Award
2 to Plaintiff, and payment to the Labor and Workforce Development Agency ("LWDA") for
3 penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

4 12. Counsel for the Parties shall file memoranda, declarations, or other statements and
5 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
6 expenses, Plaintiff's Service Award, settlement administration costs, and payment to the LWDA
7 for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the
8 Code of Civil Procedure and the California Rules of Court.

9 13. An implementation schedule is below:

Event	Date
Defendants to provide class list to Settlement Administrator no later than:	September 25, 2023
Settlement Administrator to mail Class Notice and Request for Exclusion Form to Class Members no later than:	October 2, 2023
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement:	December 1, 2023
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	16 Court Days Prior To Final Fairness Hearing
Final Fairness Hearing:	<u>January 16, 2024</u>

17 14. Pending the Final Fairness Hearing, all deadlines, including discovery and class
18 certification deadlines, and proceedings in this action other than proceedings necessary to carry
19 out or enforce the terms and conditions of the Settlement and this Order, are stayed.

20 15. Counsel for the Parties are hereby authorized to utilize all reasonable procedures
21 in connection with the administration of the Settlement which are not materially inconsistent with
22 either this Order or the terms of the Settlement.

23 **IT IS SO ORDERED.**

24 Dated: September 11, 2023

Brian W. Evans

Judge of the Superior Court