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**ELECTRONICALLY FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE

**11/07/2023**

STEPHANIE CAMERON, CLERK  
Nay Saelee, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF TULARE**

LIDIA ESPINOZA, as an individual and on  
behalf of all others similarly situated,

Plaintiff,

vs.

AGUSTIN CEBALLOS BACA DBA A&L  
HARVESTING, an individual; PORTERVILLE  
CITRUS, INC., a California corporation; and  
DOES 1 through 100,

Defendants.

Case No.: VCU294386

*[Assigned for all purposes to the Hon.  
David Mathias, Dept. 1]*

**[PROPOSED] ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: October 19, 2023  
Time: 8:30 a.m.  
Dept.: 1

Complaint Filed: December 2, 2022  
Trial Date: None Set

1           The unopposed motion of Plaintiff Lidia Espinoza (“Plaintiff”) for Preliminary Approval  
2 of Class Action Settlement came on regularly for hearing before this Court on October 19, 2023,  
3 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 A to the  
5 Declaration of Daniel J. Brown filed concurrently herewith; having considered Plaintiff’s Motion  
6 for 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 Agustin Ceballos  
17                               Baca dba A&L Harvesting who performed work for Porterville Citrus,  
18                               Inc. in California at any time from December 2, 2018 through October  
19                               16, 2023 (“Class Period”).

20           2.       For purposes of the Settlement, the Court designates Lidia Espinoza as Class  
21 Representative and Daniel J. Brown and Jessica Flores of Stansbury Brown Law, PC as Class  
22 Counsel.

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

25           4.       The Court approves, as to form and content, the Notice of Pendency of Class  
26 Action and Proposed Settlement (“Class Notice Packet”) attached as Exhibit B to the Declaration  
27 of Daniel J. Brown filed concurrently herewith.

28           5.       The Court finds that the form of notice to the Settlement Class regarding the  
pendency of the action and of the Settlement, and the methods of giving notice to members of the

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

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

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

12 8. The Court directs the Settlement Administrator to mail the Class Notice Packet to  
13 the members of the Settlement Class in accordance with the terms of the Settlement. The Court  
14 directs the Settlement Administrator to carry out all duties as 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 1 of this Court,  
25 located at 221 S. Mooney Blvd., Visalia, California 93291 on \_\_\_\_\_ 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:	November 9, 2023
Settlement Administrator to mail Class Notice and Request for Exclusion Form to Class Members no later than:	November 16, 2023
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement:	January 15, 2024
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	16 Court Days Prior To Final Fairness Hearing
Final Fairness Hearing:	10/10/23

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

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

16 **IT IS SO ORDERED.**

16 ~~UNITED STATES DISTRICT COURT~~

17 Dated: 10/10/23, 2023

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18 \_\_\_\_\_  
19 Judge of the Superior Court