

Cathe L. Caraway-Howard, SBN 143661
LAW OFFICES OF CATHE L. CARAWAY-HOWARD
8117 Manchester Avenue, Suite 505
Playa Del Rey, CA 90293
Office: (310) 488-9020
Fax: (866) 401-4556
Email: cathe@carawaylaw.com

Martin L. Horwitz, SBN 156056
THE LAW OFFICE OF MARTIN L. HORWITZ, P.C.
11150 W. Olympic Blvd., Suite 1120
Los Angeles, CA 90064-1850
Office: (310) 278-3833
Fax: (310) 228-3123
Email: martin@attorneyscounsel.com

*Attorneys for Plaintiffs, JOSE M. NEVAREZ, PEDRO CALDERON, and
MIGUEL CASTELLON, and on behalf of all others similarly situated*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO
UNLIMITED JURISDICTION

JOSE M. NEVAREZ, PEDRO
CALDERON, and MIGUEL
CASTELLON, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

FOSTER FARMS, LLC, a California
Limited Liability Company; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: 13CECG02624

Honorable Jeff Hamilton, Department 503

CLASS ACTION

**STIPULATION FOR AN ORDER TO
CONSOLIDATE RELATED CASES FOR
SETTLEMENT PURPOSES**

**(1) JOSE M. NEVAREZ, et. al. vs. FOSTER
FARMS, LLC, Case No. 13CECG02624; AND
(2) PEDRO CALDERON, et. al. vs. FOSTER
FARMS, LLC, Case No. 20CECG00546;
[PROPOSED] ORDER**

ACTION FILED: August 22, 2009

FILED

MAY 05 2023

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY

RECEIVED

4/27/2023 4:09 PM

FRESNO COUNTY SUPERIOR COURT

By: Estela Alvarado, Deputy

1 TO THE COURT, PARTIES AND TO THEIR COUNSEL FOR RECORD:

2 The Parties, by and through their counsel of record, request that the Court
3 issue an Order Consolidating JOSE M. NEVAREZ, et. al. vs. FOSTER FARMS, LLC,
4 Case No. 13CECG02624 and PEDRO CALDERON, et. al. vs. FOSTER FARMS,
5 LLC, Case No. 20CECG00546, for Settlement Purposes. This request is based upon
6 the following facts:

7 1. JOSE M. NEVAREZ, et. al. vs. FOSTER FARMS, LLC, Case No.
8 13CECG02624 ("NEVAREZ"), involves claims by ranch managers against Foster
9 Farms for alleged wage and hour violations.

10 2. *Nevarez* filed an appeal of the order dismissing the case for failure to
11 bring the case to trial in 5 years. The appeal is pending and regular reports to the
12 Court of Appeal are required regarding the pending Motion for Preliminary Approval
13 of the Settlement.

14 3. Following the dismissal of *Nevarez*, 35 individual ranch managers filed
15 an action in this court entitled PEDRO CALDERON, et. al. vs. FOSTER FARMS,
16 LLC, Case No. 20CECG00546 ("CALDERON"). The *Calderon* action is also based on
17 claims by ranch managers against Foster Farms for substantially similar wage and
18 hour claims. *Calderon* is assigned to Honorable Judge Robert Walen in Department
19 402 of this court.

20 4. On March 3, 2020 the parties filed a Notice of Related Cases in both
21 actions and respective departments.

22 5. The *Calderon* plaintiffs have approximately four years of overlapping
23 claims with the *Nevarez* class against Foster Farms, their employer, and if the
24 appeal in the *Nevarez* action is decided favorably to the *Nevarez* class, there will be
25 100% duplication of claims over multiple years.

26 6. The *Calderon* plaintiffs and the *Nevarez* class have agreed to a global
27 settlement of all claims, over all of the applicable time periods. The proposed global
28 settlement will completely resolve both actions.

THEREFORE, THE PARTIES HEREBY STIPULATE to consolidate JOSE M. NEVAREZ, et. al. vs. FOSTER FARMS, LLC, Case No. 13CECG02624, and PEDRO CALDERON, et. al. vs. FOSTER FARMS, LLC, Case No. 20CECG00546, into the lead case of JOSE M. NEVAREZ, et. al. vs. FOSTER FARMS, LLC, Case No. 13CECG02624, for settlement purposes.

IT IS SO STIPULATED.

DATED: April 24, 2023 LAW OFFICE OF MARTIN L. HORWITZ, P.C.

By  _____
MARTIN L. HORWITZ, ESQ.
Attorney for Plaintiffs, JOSE NEVAREZ, PEDRO
CALDERON, and MIGUEL CASTELLON,
individually and on behalf of all others similarly
situated

DATED: April 24, 2023 MEDINA McKELVEY LLP

By /Timothy Nelson/
TIMOTHY B. NELSON, ESQ.
Attorneys for Defendants,
FOSTER FARMS, LLC, and FOSTER POULTRY
FARMS, INC.

ORDER

The Court having reviewed the foregoing Stipulation and good cause appearing therefore:

IT IS HEREBY ORDERED that JOSE M. NEVAREZ, et. al. vs. FOSTER FARMS, LLC, Case No. 13CECG02624, and PEDRO CALDERON, et. al. vs. FOSTER FARMS, LLC, Case No. 20CECG00546, are hereby consolidated under the lead case of JOSE M. NEVAREZ, et. al. vs. FOSTER FARMS, LLC, Case No. 13CECG02624 for settlement purposes.

IT IS FURTHER ORDERED that all matters pending in PEDRO CALDERON, et. al. vs. FOSTER FARMS, LLC, Case No. 20CECG00546, in Department 402 are vacated/transferred to Department 503.

IT IS SO ORDERED

DATE: 5/5, 2023

By: 
Hon. Jeffrey Hamilton
Judge of the Fresno Superior Court

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to this action. My business address is 11150 W. Olympic Boulevard, Suite 1120, Los Angeles, California 90064.

On April 27, 2023, I served the foregoing document(s) described as:

- **STIPULATION FOR AN ORDER TO CONSOLIDATE RELATED CASES FOR SETTLEMENT PURPOSES (1) JOSE M. NEVAREZ, et. al. vs. FOSTER FARMS, LLC, Case No. 13CECG02624; AND (2) PEDRO CALDERON, et. al. vs. FOSTER FARMS, LLC, Case No. 20CECG00546; and [PROPOSED] ORDER**

on the interested parties in this action by e-serving a true and correct copy as follows:

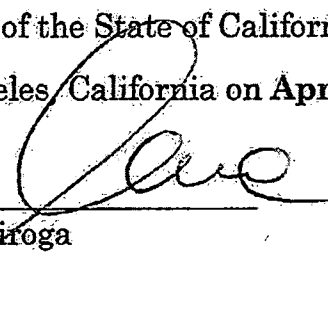
Brandon R. McKelvey, Esq.
Timothy B. Nelson, Esq.
Medina McKelvey, LLP
925 Highland Pointe Drive, Suite 300
Roseville, California 95678
brandon@medinamckelvey.com
tim@medinamckelvey.com

Sophia S. Kwan, Esq.
Seyfarth Shaw, LLP
400 Capitol Mall, Suite 2350
Sacramento, CA 95814
skwan@seyfarth.com

Oliver Wanger, Esq.
Michael S. Helsley, Esq.
Wanger Jones Helsley PC
265 E. River Park Circle, Suite 310
Fresno, CA 93720
owanger@wjhattorneys.com
mhelsley@wjhattorneys.com

(X) By E-MAIL; I transmitted a copy of the foregoing documents(s) via e-mail to the above referenced addressee(s) in accordance with agreement to electronic service.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed at Los Angeles, California on April 27, 2023.


Marcia Quiroga