

FILED

KERN COUNTY SUPERIOR COURT
6/6/2022BY Sala, Gina
DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN

VALERIA RODRIGUEZ, as an individual
and on behalf of all others similarly
situated,

Plaintiff,

vs.

JOHN BEAN TECHNOLOGIES
CORPORATION, a Delaware corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: BCV-20-101913-JEB

[Assigned for all purposes to the Hon. J. Eric
Bradshaw, Dept. J]

~~[PROPOSED]~~ ORDER AND JUDGMENT
GRANTING PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT

Date: June 6, 2022

Time: 8:30 a.m.

Dept.: J

Complaint Filed: August 17, 2020

FAC Filed: August 18, 2021

Trial Date: None

1 Plaintiff Valeria Rodriguez (“Plaintiff”) and Defendant John Bean Technologies
2 Corporation (“Defendant”) (collectively, the “Settling Parties”) have entered into the Joint
3 Stipulation of Class Action and PAGA Settlement and Release (“Stipulation” or “Settlement
4 Agreement”) to settle the above-captioned class action subject to the Court’s approval (the
5 “Settlement”).

6 This matter is now before the Court on Plaintiff’s Motion for Final Approval of Class
7 Action Settlement. The Court has read, heard, and considered all the pleadings and documents
8 submitted, and the presentations made in connection with the Motion which came on for hearing
9 on June 6, 2022.

10 **I. BACKGROUND**

11 On August 17, 2020, Plaintiff initiated this action in the Kern County Superior Court. On
12 August 17, 2021, the Parties submitted a joint stipulation granting Plaintiff leave to file the First
13 Amended Complaint. The operative First Amended Complaint alleges class and PAGA claims:
14 (1) Violation of Labor Code §§ 510, 558, and 1194; (2) Violation of Labor Code §§ 201-203; (3)
15 Violation of Labor Code § 226(a); (4) Violation of Labor Code §§ 226.7, 512, and 558; (5)
16 Violation of Business & Professions Code § 17200, *et seq.*; and (6) Violation of the PAGA, Labor
17 Code § 2698, *et seq.* The operative FAC was filed with the Court on August 18, 2021.

18 **A. Class Members**

19 The “Class” is defined as “all current and former non-exempt hourly employees who
20 performed work in California for the FoodTech division of John Bean Technologies Corporation at
21 any time from April 6, 2016 through August 18, 2021.”

22 **B. Operation of the Settlement.**

23 Pursuant to the Preliminary Approval Order, this Court conditionally certified the
24 Settlement Class and granted preliminary approval of the Settlement. The Preliminary Approval
25 Order also approved of the proposed form of class notice and notice plan. The Court entered the
26 Preliminary Approval Order after review and consideration of the pleadings filed in connection
27 herewith, and the oral presentations made by counsel at the hearing.
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In compliance with the Preliminary Approval Order, the Notice of Class Action Settlement

1 (“Class Notice”) was sent to all Class Members via first class mail. The notice dissemination
2 process was timely completed.

3 This Court finds that the Settlement appears to be the product of serious, informed, non-
4 collusive negotiations, has no obvious deficiencies, and does not improperly grant preferential
5 treatment to any individuals. The Court finds that the Settlement was entered into in good faith
6 pursuant to California Code of Civil Procedure § 877.6. The Court further finds that the
7 Settlement is fair, reasonable, and adequate and that Plaintiff has satisfied the standards for final
8 approval of a class action settlement under California law. Under the provisions of California
9 Code of Civil Procedure § 382 and Federal Rule of Civil Procedure 23, as approved for use by the
10 California state court in *Vasquez v. Superior Court* (1971) 4 Cal.3d 800, 821, the trial court has
11 discretion to certify a class where:

12 [Q]uestions of law or fact common to the members of the class
13 predominate over any questions affecting only individual members,
14 and that a class action is superior to the available methods for the
15 fair and efficient adjudication of the controversy ... Fed. R. Civ.
Proc. 23.

16 Certification of a settlement class is the appropriate judicial device under these circumstances.

17 Based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS
18 FOLLOWS:

19 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
20 Settlement Agreement filed in this case.

21 2. The Court has jurisdiction over the subject matter of the litigation, the Class
22 Representative, the other Settlement Class Members, and Defendant.

23 3. The Court finds that the dissemination of the Class Notice disseminated to the Class
24 Members, constituted the best notice practicable under the circumstances to all Persons within the
25 definition of the Class, and fully met the requirements of California law and due process under the
26 United States Constitution. No objections were received by the Parties or the Court through the
27 date of this Order. The Court finds that one Class Member submitted a valid and timely request
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1 for exclusion from the Settlement as determined by the Settlement Administrator.

2 4. The Court approves the settlement of the above-captioned action, as set forth in the
3 Settlement Agreement, as fair, just, reasonable, and adequate as to the Settling Parties. The
4 Settling Parties are directed to perform in accordance with the terms set forth in the Settlement
5 Agreement.

6 5. Except as otherwise provided in the Settlement Agreement, the Settling Parties are
7 to bear their own costs and attorneys' fees.

8 6. The Court hereby certifies the following Settlement Class for settlement purposes
9 only: All current and former non-exempt hourly employees who performed work in California for
10 the FoodTech division of John Bean Technologies Corporation at any time from April 6, 2016
11 through August 18, 2021.

12 7. With respect to the Settlement Class and for purposes of approving the Settlement
13 only and for no other purpose, this Court finds and concludes that: (a) the members of the
14 Settlement Class are ascertainable and so numerous that joinder of all members is impracticable;
15 (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined
16 community of interest among Members of the Settlement Class with respect to the subject matter
17 of the claims in the Litigation; (c) the claims of Class Representative is typical of the claims of the
18 members of the Settlement Class; (d) the Class Representative has fairly and adequately protected
19 the interests of the members of the Settlement Class; (e) a class action is superior to other available
20 methods for an efficient adjudication of this controversy; and (f) the counsel of record for the Class
21 Representative, *i.e.*, Class Counsel, are qualified to serve as counsel for the Plaintiff in his
22 individual and representative capacity and for the Settlement Class.

23 8. Defendant shall fund \$400,000.00 of the total Gross Settlement Amount pursuant to
24 the terms of the Settlement Agreement.

25 9. The Court approves the individual settlement payment amounts, which shall be
26 distributed pursuant to the terms of the Settlement Agreement.

27 10. The \$400,000.00 Gross Settlement Amount shall be used to pay (a) Class Counsel
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1 attorneys' fees in the amount of \$133,333.34 and reimbursement of costs in the amount of
2 \$12,302.82; (b) a service award to the Class Representative Valeria Rodriguez for prosecuting this
3 action on behalf of the Settlement Class in the following amount: \$10,000.00; (c) the sum of
4 \$30,000.00 to be paid to the LWDA pursuant to the PAGA; and (d) \$5,000.00 to the settlement
5 administrator – Phoenix Settlement Administrators (the “Settlement Administrator”) for its fees
6 and costs relating to the settlement administration process. The Court finds that these amounts are
7 fair and reasonable. The allocation and distribution of these amounts from the \$400,000 Gross
8 Settlement Amount shall be performed by Settlement Administrator pursuant to the terms of the
9 Settlement Agreement. The Court also finds that Plaintiff’s Counsel complied with the notice
10 procedures to the LWDA as required by PAGA to settle the PAGA claims.

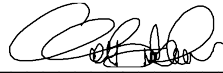
11 11. As of the date of this Order, all Settlement Class Members are hereby deemed to
12 have waived and released all Released Claims and are forever barred and enjoined from
13 prosecuting the Released Claims against the Released Parties as fully set forth in the Settlement.
14 Upon cashing their settlement payment checks, Settlement Class Members will also be deemed to
15 have released all Released FLSA Claims against the Released Parties as set forth in the Settlement.
16 As of the date of this Order, all Settlement Class Members who worked during the PAGA Period
17 are hereby deemed to have waived and released all Released PAGA Claims and are forever barred
18 and enjoined from prosecuting the Released PAGA Claims against the Released Parties as fully set
19 forth in the Settlement. The Settlement is not an admission of liability or wrongdoing by
20 Defendant, nor is this Order a finding of the validity of any claims in the Action or of any fault,
21 omission or wrongdoing by Defendant.

22 12. The Court hereby enters final judgment in this case in accordance with the terms of
23 the Settlement, Preliminary Approval Order, and this Order. Without affecting the finality of the
24 Settlement or Judgment entered, this Court shall retain exclusive and continuing jurisdiction over
25 the action and the Parties, including all Settlement Class Members, for purposes of enforcing and
26 interpreting this Order and the Settlement.

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1 IT IS SO ORDERED AND ADJUDGED.
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3 DATED: Signed: 6/6/2022 09:32 AM
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HON. J. ERIC BRADSHAW
SUPERIOR COURT OF CALIFORNIA