

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MERCED

FILED
MERCED COUNTY

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CLERK OF THE SUPERIOR COURT

Case No. 20CV-02435

DEPUTY

~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT WITH
CALENDAR OF EVENTS

Date: January 26, 2022

Time: 8:15 a.m.

Department: 8

[Assigned for all purposes to the Honorable
Brian L. McCabe]

ADRIAN ARRILLAGA, an individual;
ADRIAN ARRILLAGA HERNANDEZ, an
individual; GRISELDA HERNANDEZ, an
individual; ROBERTO PEREZ, an individual; as
individuals, and on behalf of other members of the
general public similarly situated and other
aggrieved employees,

Plaintiffs,

v.

MININGER FARMS, INC., a California
corporation; NATHAN WADE MININGER; and
DOES 1 through 10, inclusive,

Defendants.

The Court has before it Plaintiffs Adrian Arrillaga, Adrian Arrillaga Hernandez, Griselda Hernandez, and Roberto Perez's unopposed Motion for Preliminary Approval of Proposed Class Action Settlement and Certification of Provisional Settlement Class. After reviewing the Motion for Preliminary Approval and Joint Stipulation of Class and PAGA Action Settlement and Release (the "Settlement Agreement") filed with the Court, and good cause appearing therefore, the Court hereby finds, and orders as follows:

1. This Order incorporates by reference the Settlement Agreement and all defined terms herein shall have the same meaning as set forth in the Settlement Agreement. (The Joint Stipulation of Class and PAGA Action Settlement and Release is attached as **Exhibit 1**.)

2. The Court finds on a preliminary basis that the settlement memorialized in the Settlement Agreement appears to be fair, adequate, and reasonable, falls within the range of reasonableness, and therefore meets the requirements for preliminary approval.

3. The Court conditionally certifies for settlement purposes only the following class ("Class"):

All persons employed by Defendants as hourly-paid or non-exempt

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SETTLEMENT

employees in the State of California, at any time from August 24, 2016,
through the date of the Court's preliminary approval of this Action.

4. The Court finds, for purposes of settlement only, that the Class meets the requirements for certification under section 382 of the California Code of Civil Procedure in that: (1) the Class is so numerous that joinder is impracticable; (2) there are questions of law and fact that are common, or of general interest, to all Settlement Class Members, which predominate over individual issues; (3) the claims of the Named Plaintiffs are typical of the claims of the Class; (4) the Named Plaintiffs and Plaintiffs' counsel will fairly and adequately protect the interests of the Class; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

5. The Court appoints for settlement purposes only, Named Plaintiffs Adrian Arrillaga, Adrian Arrillaga Hernandez, Griselda Hernandez, and Roberto Perez as class representatives for the Class.

6. The Court appoints, for settlement purposes only, Jose Macias, Jr., and Macias Rodriguez Adams LLP, as counsel for the Class.

7. The Court appoints Simpluris as the Settlement Administrator.

8. The parties are ordered to carry out the settlement according to the terms of the Settlement Agreement.

9. The Court adopts the following calendar of events for purposes of facilitating the Settlement and Notice to Class Members:

Within Ten (10) Court days of receipt of the Court's entry of an Order of Preliminary Approval:	Defendants provide Settlement Class Member List to the Settlement Administrator.
Within Twenty (20) Court days of the Court's entry of an Order of Preliminary Approval:	Settlement Administrator mails Notice and Request for Exclusion Forms ("Settlement Documents") to all Settlement Class Members.

Forty-Five (45) Days after the Settlement Administrator mails the Settlement Documents:	Postmark deadline for all Settlement Class Members to mail a written objection to the Settlement Administrator ("Objection Deadline").
Forty-Five (45) Days after the Settlement Administrator mails the Settlement Documents:	Postmark deadline for all Settlement Class Members to mail a Request for Exclusion to the Settlement Administrator ("Exclusion Deadline").
Five (5) business days after the Exclusion Deadline:	Settlement Administrator provides Class Counsel and counsel for Defendants with a complete list of Settlement Class Members who timely sent a Request for Exclusion.

Plaintiffs' motions for final approval of the class action settlement and for an award of attorneys' fees, costs and enhancement awards shall be filed on or before 5/23/22. The Final Approval Hearing is to be held on 6/22/22 at 5:15 in Department 8.

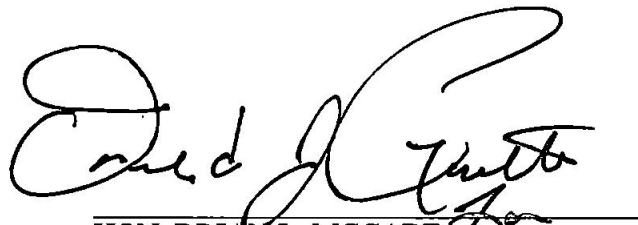
10. The Court approves, as to the form and content: (1) the Notice Of Pendency Of Settlement ("Notice"), attached as Exhibit B to the Settlement Agreement, which informs the members of the Class of the terms of the proposed Settlement, the preliminary approval of the Settlement, and the scheduling of the Final Fairness Hearing; and (2) the Request for Exclusion Form attached as Exhibit C to the Settlement Agreement. The Court finds that the dates selected for the mailing and distribution of the Notice and Request for Exclusion Form meet the requirements of due process, provide the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

11. The Notice is hereby found to be the best means practicable of providing notice under the circumstances, and, when completed, shall constitute due and sufficient notice of the class action, proposed settlement, and the final approval hearing to all persons affected by and/or authorized to

1 participate in the settlement, in full compliance with due process and the notice requirements of
2 California Code of Civil Procedure § 877.6.

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4 **IT IS HEREBY SO ORDERED.**

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6 Dated: 1/26/2022

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9 HON. BRIAN L. MCCABE
10 Merced County Superior Court Judge