

FILED

05/21/2020

SUPERIOR COURT
COUNTY OF IMPERIAL
CLERK OF THE COURT
BY Angela Jantz, DEPUTY

ERIC B. KINGSLEY, Esq. (SBN 185123)
eric@kingsleykingsley.com
LIANE KATZENSTEIN LY, Esq., (SBN 259230)
liane@kingsleykingsley.com
KINGSLEY & KINGSLEY, APC
16133 Ventura Blvd., Suite 1200
Encino, CA 91436
(818) 990-8300, Fax (818) 990-2903

Attorneys for Plaintiff and Certified Class

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

JESUS A. RIOS an individual, on behalf of
himself and others similarly situated,

PLAINTIFF,

v.

ALL STAR SEED; and DOES 1 thru 50,
inclusive,

DEFENDANTS.

CASE NO. ECU08770

[Case Assigned for All Purposes to Hon. Jeffrey
B. Jones in Dept. 07]

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

*[Filed concurrently with Motion and Notice of
Motion and Declaration of Liane Katzenstein
Ly]*

Date: May 8, 2020

Time: 8:30 a.m.

Dept.: 07

Complaint Filed: June 18, 2015

1 The Motion for Preliminary Approval of the Class Settlement came before this Court, the
2 Honorable Jeffrey B. Jones presiding, in the matter of Jesus A. Rios v. All Star Seed (“All Star”
3 or “Defendant”). This is a certified Class Action. The Court, having considered the papers
4 submitted in support of the motion, **HEREBY ORDERS THE FOLLOWING:**

5 1. The Court grants preliminary approval of the Settlement and the Certified Classes
6 based upon the terms set forth in the Joint Stipulation of Class Action Settlement and Release
7 (“Settlement” or “Settlement Agreement”) filed herewith. The Settlement appears to be fair,
8 adequate, and reasonable to the Class Members.

9 2. For purposes of this Order, the Sub-Classes are defined as follows:

10 **Meal Period Subclass:** All individuals who have been employed, or are currently
11 employed, by Defendant All Star Seed as “hourly employees” or similar titles, from July
12 28, 2011 to November 26, 2018, who worked a shift of five (5) hours or longer and were
not provided with a duty-free meal period of at least thirty (30) minutes.

13 **Meal Auto-Deduct Subclass:** All individuals who have been employed, or are currently
14 employed, by Defendant All Star Seed as “hourly employees” or similar titles, from July
15 28, 2011 to November 26, 2018, who clocked in and out for a meal period that was less
than thirty (30) minutes in length but who had thirty (30) minutes or more of time deducted
from their time.

16 3. The Class Period runs from July 28, 2011 to June 30, 2018.

17 4. The Settlement falls within the range of reasonableness and appears to be
18 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
19 and final approval by this Court.

20 5. A final fairness hearing on the question of whether the proposed Settlement,
21 attorneys’ fees to Class Counsel, requested Class Representative Incentive Award, and the claims
22 administration costs should be finally approved as fair, adequate, and reasonable as to the members
23 of the Class is scheduled for October 1, 2020 at 8:30 am (Pacific Time), in Department 07.

24 6. The Court approves, as to form and content, the Notice of Class Action Settlement
25 in substantially the form attached as Exhibit 1 to the Settlement Agreement and the claim form
26 attached as Exhibit 2. The Court approves the procedure for Class Members to opt out, make a
27 claim, and object to the Settlement as set forth in the Notice of Class Action Settlement.

28 7. The Court directs the mailing of the Notice of Class Action Settlement and related

documents to Class Members by first class mail in accordance with the Schedule set forth below. The Court finds that the dates selected for the mailing and distribution of the Notice of Class Action Settlement, as set forth in the implementation Schedule, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled hereto.

8. The Court confirms Kingsley and Kingsley, APC as Class Counsel.

9. The Court confirms Jesus A. Rios as Class Representative.

10. The Court approves JND Legal as the Claims Administrator.

11. The Court orders that pursuant to the California Private Attorneys General Act, Labor Code §§ 2698, et seq. ("PAGA"), notice of this Settlement has been and will continue to be given to the Labor & Workforce Development Agency.

12. The Court orders the following implementation Schedule for further proceedings:

a.	Preliminary Approval	
b.	Deadline for Defendant to Provide Names and Addresses of Class Members to Claims Administrator	10 days from Preliminary Approval
c.	Mail Notice to Class Members	10 days from Receipt of List
d.	Deadline for Postmark of Any Request for Exclusion	60 Days from Mailing of Notices
e.	Deadline for Postmark for Any Written Objection	60 Days from Mailing of Notices
f.	Deadline for Class Counsel to Final Approval of Class Settlement	August 26, 2020
g.	Deadline for Class Counsel to File Motion for Attorneys' Fees	August 26, 2020
h.	Final Approval Hearing	October 1, 2020

13. The Court expressly reserves the right to adjourn or continue the Final Approval and Fairness Hearing from time to time without further notice to the Class Members.

IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval, or if the Effective Date of Settlement, as defined in the Settlement Agreement, does not occur for any reason, the Settlement Agreement and proposed Settlement that is the subject of this Order, and all evidence and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the

1 Settlement Agreement. Neither the Settlement nor this Order shall be construed or used as an
2 admission, concession, or declaration by or against Defendant of any fault, wrong-doing, breach,
3 liability or appropriateness of certifying a class for litigation purposes. Neither the terms of the
4 Settlement nor any documents discussing the terms of the Settlement shall be offered or received
5 into evidence in any civil, criminal or administrative action or proceedings, other than such actions
6 or proceedings which may be necessary to consummate or enforce the terms of the Settlement,
7 except that Defendant or any Released Party may file this Order in any action or proceeding that
8 may be brought against them in order to support or defense or counterclaim based on principles of
9 res judicata, collateral estoppel, release, good faith settlement, judgement bar or reduction or any
10 other theory of claim preclusion or issue preclusion or similar defense or counterclaim.

11 IT IS FURTHER ORDERED that, pending further Order of this Court, all proceedings in
12 this matter except those contemplated herein and in the Settlement Agreement are hereby stayed.

13
14
15 DATED: 05/21/2020



JUDGE OF THE SUPERIOR COURT
Jeffrey B. Jones

(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On May 11, 2020, I served all interested parties in this action the following documents described as **REVISED [PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Scott C. Lacunza
JACKSON LEWIS, PC
200 Spectrum Center Drive, Suite 500
Irvine, CA 92618
Scott.lacunza@jacksonlewis.com

Labor Workforce Development Agency
LWDA
<https://dir.tfaforms.net/209>
Electronic Service

☐ **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Encino, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY ELECTRONIC SERVICE TO THE LWDA:** I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/209>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

☒ **BY ELECTRONIC MAIL TRANSMISSION:** I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 11, 2020, at Encino, California.



Michelle Tanzer