

FILED

SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

09/12/2022

Darrel E. Parker, Executive Officer

BY Baksh, Narzalli

Deputy Clerk

Seung Yang (SBN 249857)
Allen Feghali (SBN 301080)
Brett Gunther (SBN 306448)
Julie Sohyun Oh (SBN 341157)
MOON & YANG, APC
1055 West Seventh Street, Suite 1880
Los Angeles, California 90017
Telephone: (213) 232-3128
Facsimile: (213) 232-3125
E-mail: seung.yang@moonyanglaw.com
E-mail: allen.feghali@moonyanglaw.com
E-mail: brett.gunther@moonyanglaw.com
E-mail: julie.oh@moonyanglaw.com

Attorneys for Plaintiff Enrique Lopez

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA**

ENRIQUE LOPEZ, individually, and on behalf
of all others similarly situated,

Plaintiff,

vs.

PACIFIC DUTCH GROUP, LLC, a limited
liability company; BRAND FARMS, LLC, a
limited liability company; ARROYO VERDE
COLLECTIVE, INC., a California corporation;
PBR PROPERTY MANAGEMENT, LLC, a
limited liability company; RINCON POINT
FARMS, LLC, a limited liability company; DP
FARMS, LLC, a limited liability company; and
DOES 1 through 10, inclusive,

Defendants.

Case No.: 21CV01197

*[Assigned for All Purposes to the Honorable
Colleen K. Sterne, Dept. 5]*

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

*[Filed with the Memorandum of Points and
Authorities, Declaration of Allen Feghali, and
Declaration of Madely Nava on behalf of the
settlement administrator, and Declaration of
Enrique Lopez]*

FINAL APPROVAL HEARING

Date: August 1, 2022

Time: 10 a.m.

Dept.: 5

1 On April 19, 2022, this Court issued an Order Granting Preliminary Approval of Class
2 Action Settlement. Plaintiff Enrique Lopez ("Plaintiff") now seeks an order granting final
3 approval of the Class Action Settlement (collectively the "Settlement"), attached to the
4 Declaration of Allen Feghali in Support of Plaintiff's Motion for Final Approval of Class
5 Action Settlement as Exhibit 1.

6 Due and adequate notice having been given to the Settlement Class Members, as
7 defined below, and the Court having considered Plaintiff's Notice of Motion and Motion for
8 Final Approval of Class Action Settlement ("Motion"), the supporting declarations and
9 exhibits thereto, all papers filed and proceedings had herein, and the absence of any written
10 objections received regarding the proposed settlement, and having reviewed the record in the
11 Action, and good cause appearing,

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

13 The Court, for purposes of this Final Order and Judgment, refers to all defined terms as
14 set forth in the Settlement.

15 The Court has jurisdiction over all claims asserted in the Action, Plaintiff, the
16 Settlement Class Members, and with Defendants Pacific Dutch Group, LLC, Brand Farms,
17 LLC, Arroyo Verde Collective, Inc., PBR Property Management, LLC, Rincon Point Farms,
18 LLC, and DP Farms, LLC ("Defendants").

19 The Court finds that the Settlement appears to have been made and entered into in
20 good faith and hereby approves the settlement subject to the limitations on the requested fees
21 and enhancements as set forth below.

22 Plaintiff and all Settlement Class Members, shall have, by operation of this Final Order
23 and Judgment, fully, finally, and forever released, relinquished, and discharged Defendants
24 from all Released Claims as stated in the Settlement and reproduced here:

25 The Parties shall bear their own respective attorneys' fees and costs, except as
26 otherwise provided for in the Settlement and approved by the Court.

27 Solely for purposes of effectuating the settlement, the Court finally certified the
28 following Class: All current and former non-exempt employees of Defendants who worked for

any Defendant in California at any time from March 24, 2017, through September 7, 2021.

No Class Members have objected to the terms of the Settlement. No Class Members have requested exclusion from the Settlement.

Class Members make the following release:

Identity of Released Parties. The released parties are Defendants, and each of their former and present director and/or indirect owners, dba's, parents, subsidiaries, successors and predecessors, and current and former employees, attorneys, officers, directors, shareholders, owners, and trustees (collectively "Releasees").

Date Release Becomes Active. The Released Claims will be released upon the Settlement's Effective Date and payment by Defendants of all funds due under the settlement. Settlement Class Members will not release the Released Claims or Released PAGA Claims until the Effective Date and payment by Defendants of all funds due under the settlement.

Claims Released by Settlement Class Members. Each and every Class Member, on behalf of himself or herself and his or her heirs and assigns, unless he or she has submitted a timely and valid Request for Exclusion (which will not effectuate an exclusion from the release of Released PAGA Claims), hereby releases Releasees from the following claims for the entire Class Period:

- 1) any and all claims stated in the Action, or that could have been stated based on the facts alleged in the Action, including but not limited to claims under Labor Code sections 201, 202, 203, 204, 218.5, 218.6, 226, 226.3, 226.7, 510, 512, 1174, 1174.5, 1194, 1194.2, 1197, 1197.1, 1198, 2802, Business & Professions Code section 17200 *et seq.*, and PAGA penalties under Labor Code section 2699, *et seq.* as pled in the Operative Complaint ("Released Claims");
- 2) in addition, as to *all* Class Members employed during the Released PAGA Claims Period, whether requesting exclusion from the Settlement or not, claims arising under the Private Attorneys General Act of 2004, Labor Code § 2698 *et seq.*, to the extent asserted in Plaintiff's administrative exhaustion letter submitted to the LWDA and any Complaint in this matter (i.e., the Released PAGA Claims).

The Notice provided to the Class conforms with the requirements of California Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the circumstances, by providing individual notice to all Class Members who could be identified through reasonable effort, and by providing due and adequate notice of the proceedings and of the matters set forth therein to the Class Members. The Notice fully satisfies the requirements of due process.

1 The Court finds the Gross Settlement Fund, the Net Settlement Fund, and the
2 methodology used to calculate and pay each Settlement Class Member's Settlement Payment
3 are fair and reasonable, and authorizes the Settlement Administrator to pay the Settlement
4 Payments to the Settlement Class Members in accordance with the terms of the Settlement.

5 Defendants shall pay the total of \$800,000.00 to resolve this litigation. Defendants will
6 fund the settlement account as follows: (1) \$300,000 within 30 days of final approval, (2)
7 \$250,000 within 150 days of final approval and (3) \$250,000 within 300 days of final
8 approval. All distributions required by the Settlement shall be paid on a pro-rata basis within
9 fourteen (14) calendar days of each payment made by Defendants.

10 From the Gross Fund Value, \$60,000.00 shall be paid to the California Labor and
11 Workforce Development Agency, representing 75% of the penalties awarded under the terms
12 of the Settlement and Amendment pursuant to the Labor Code Private Attorneys General Act
13 of 2004, California Labor Code section 2698, et seq.

14 The Court hereby approves an incentive payment in the amount of \$10,000.00 to
15 Enrique Lopez for his service as class representative and for his agreement to release claims.

16 The Court hereby confirms Seung Yang, Allen Feghali, Brett Gunther, and Julie
17 Sohyun Oh of Moon & Yang, APC as Class Counsel.

18 From the Gross Settlement Fund, Class Counsel is awarded \$280,000.00 for their
19 reasonable attorneys' fees and \$14,561.51 for their reasonable costs incurred in the Action.
20 The fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The
21 Court finds that the fees are reasonable in light of the benefit provided to the Class.

22 The Court approves Settlement Administration Costs in the amount of \$22,980.00.
23 Such costs shall be paid from the Gross Settlement Fund to ILYM Group, Inc.

24 The Parties are ordered to have notice of this Order and Judgment sent to all Class
25 Members in accordance with CRC 3.771 (b) along with settlement payments issued via first
26 class mail to all participating Class Members at their last known addresses, and to the LWDA
27 pursuant to Labor Code § 2699(1)(3).

28 This Judgment is intended to be a final disposition of the above captioned action in its

entirety and is intended to be immediately appealable.

This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the Settlement, and any and all claims, asserted in, arising out of, or related to the subject matter of the lawsuit, including but not limited to all matters related to the Settlement and the determination of all controversies relating thereto.

Plaintiff's Motion for Final Approval of Class Action Settlement is hereby granted, and the Court directs that Judgment shall be entered in accordance with the terms of this Order.

The Court sets a Non-Appearance Hearing (Case Review) Re: Distribution on June 26 , 2023 at 10:00am in Department 5. Class Counsel is ordered to file a final report and declaration regarding distribution no later than 6/16/2023

IT IS SO ADJUDGED.

DATE: 09/12/2022



Hon. Colleen K. Sterne
Judge of Santa Barbara County Superior

Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

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 and not a party to the within action; my business address is 1055 W. Seventh St., Suite 1880, Los Angeles, California 90017. On **July 8, 2022**, I served the foregoing document described as:

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

X by placing ___ the original X a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Jeffrey A. Dinkin
Jared W. Speier
STRADLING YOCCA CARLSON & RAUTH, P.C.
800 Anacapa Street, Suite A
Santa Barbara, CA 93101
Tel.: 805-730-6800
Fax: 805-730-6801
jdinkin@stradlinglaw.com
jspeier@stradlinglaw.com

Attorneys for Defendant Pacific Dutch Group, LLC, et al.

[✓] **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address from e-mail ivette.hernandez@moonyanglaw.com pursuant to California Rules of Court. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this **July 8, 2022** at Los Angeles, California.

Ivette Hernandez
Type or Print Name


Signature