

FEB 18 2022

VENTURA
SUPERIOR COURT
FILED

MAR 01 2022

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Executive Officer and Clerk
By: _____, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

DAVID RAMIREZ PACHECO, as an
aggrieved employee pursuant to the Private
Attorneys General Act ("PAGA"), on behalf of
the State of California and other aggrieved
employees,

Plaintiff,

vs.

BUENAVENTURA RANCH LLC, a
California limited liability company; ANDREW
AND WILLIAMSON SALES, CO., a
California corporation; CRISALIDA BERRY
FARMS LLC, a California limited liability
company; GOODFARMS, LLC, a California
limited liability company; SIERRA FARMS
LLC, a California limited liability company;
SUNDANCE BERRY FARMS, LLC, a
California limited liability company; and DOES
1 through 10, inclusive,

Defendants.

Case No. 56-2021-00555690-CU-OE-VTA

Assigned to the Hon. Benjamin F. Coats

**[PROPOSED] ORDER APPROVING THE
PARTIES' PAGA SETTLEMENT
AGREEMENT AND JUDGMENT**

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1 finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order and
2 Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the
3 Settlement, may be construed as, or may be used as, an admission of any fault, wrongdoing, omission,
4 concession, or liability whatsoever by or against Defendant.

5 8. The settlement of civil penalties under PAGA in the amount of approximately \$541,667
6 is hereby approved. Seventy-Five Percent (75%), or approximately \$406,250, shall be paid to the
7 California Labor and Workforce Development Agency. The remaining Twenty-Five Percent (25%), or
8 approximately \$135,417, shall be paid to Aggrieved Employees.

9 9. The Court appoints ILYM Group, Inc. to serve as the Settlement Administrator.

10 10. This Judgment shall be binding on all Aggrieved Employees and the State of California,
11 who are hereby barred by the doctrine of res judicata from re-litigating the Settled Claims during the
12 Settlement Period, as those terms are defined by the Settlement. *See Arias v. Superior Court*, 46 Cal. 4th
13 969, 986 (2009) (holding that a judgment in a representative action brought by an aggrieved employee
14 under PAGA is binding not only on the named employee plaintiff but also on state labor law
15 enforcement agencies and any aggrieved employee not a party to the proceeding).

16 11. Without affecting the finality of the Order and Judgment, the Court shall retain exclusive
17 and continuing jurisdiction under California Code of Civil Procedure § 664.6, over the above-captioned
18 action and the parties for purposes of enforcing the terms of the Judgment and the Settlement.
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21 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

BENJAMIN F. COATS

22 Date

Feb 22, 2008

Hon. Benjamin F. Coats
Ventura County Superior Court Judge

1 **PROOF OF SERVICE**

2 I am employed in the State of California, County of Los Angeles. I am over the age of 18
3 and not a party to the within suit; my business address is 1875 Century Park East, Suite 1000, Los
4 Angeles, California 90067.

5 On **February 18, 2022**, I served the document(s) described as: **[PROPOSED] ORDER**
6 **APPROVING THE PARTIES' PAGA SETTLEMENT AGREEMENT AND JUDGMENT**
7 on the interested parties in this action by sending ☐ the original ☒ a true copy thereof ☒ to
8 interested parties as follows [or] ☐ as stated on the attached service list:

9 Ana C. Toledo
10 atoledo@nheh.com

11 Patricia Arce
12 parce@nheh.com

13 NOLAND, HAMERLY, ETIENNE & HOSS
14 333 Salinas Street, PO Box 2510
15 Salinas, CA 93902

Attorneys for Defendant
BUENAVENTURA RANCH LLC

16 ☐ **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s)
17 for mailing in the ordinary course of business at Los Angeles, California. I am "readily
18 familiar" with this firm's practice of collection and processing correspondence for
19 mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal Service
20 that same day in the ordinary course of business with postage thereon fully prepaid at
21 Los Angeles, California.

22 ☒ **BY E-MAIL:** I hereby certify that this document was served from Los Angeles,
23 California, by e-mail delivery on the parties listed herein at their most recent known e-
24 mail address or e-mail of record in this action.

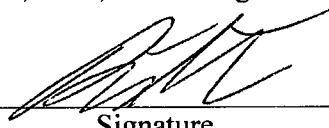
25 ☐ **BY FAX:** I hereby certify that this document was served from Los Angeles, California,
26 by facsimile delivery on the parties listed herein at their most recent fax number of record
27 in this action.

28 ☐ **BY PERSONAL SERVICE:** I caused delivery of the document(s), enclosed in a sealed
envelope, by hand via ProLegal Network to the offices of the addressee(s) named herein.

☐ **BY OVERNIGHT DELIVERY:** I am "readily familiar" with this firm's practice of
collection and processing correspondence for overnight delivery. Under that practice,
overnight packages are enclosed in a sealed envelope with a packing slip attached thereto
fully prepaid. The packages are picked up by the carrier at our offices or delivered by
our office to a designated collection site.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed on **February 18, 2022**, at Los Angeles, California.

24
25 Riley McIntire
26 Type or Print Name


Signature