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7 Attorneys for Plaintiff(s),

8 FRANCISCO RODRIGUEZ, and all others similarly situated

9 (Additional attorneys for Plaintiff(s) on following page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF IMPERIAL**

12 **(UNLIMITED JURISDICTION)**

13 FRANCISCO RODRIGUEZ, on behalf of
14 himself and all others similarly situated, the
15 general public, and as an “aggrieved employee”
16 on behalf of other “aggrieved employees” under
the Labor Code Private Attorneys General Act
of 2004,

17 *Plaintiff(s),*

18
19 vs.

20 JETT HARVEST, INC., a California
21 corporation; JOSE ANTONIO LOPEZ, an
individual; PRIME AG SERVICES INC., a
22 California corporation; and DOES 1–50,
inclusive,

23 *Defendant(s).*

Case No. ECU002119

**PLAINTIFF FRANCISCO
RODRIGUEZ’S NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: January 29, 2025

Hearing Time: 8:30 a.m.

Hearing Dept.: 9, The Honorable L.
Brooks Anderholt

Action filed: October 21, 2021

Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; and
3. [Proposed] Order



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1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on January 29, 2025 at 8:30 a.m., or as soon thereafter as
3 the matter may be heard, in Department 9 of the Imperial County Superior Court, located at
4 Imperial Courthouse, 939 West Main Street, El Centro, CA 92243, Plaintiff Francisco Rodriguez
5 (“Plaintiff”) will and hereby does move this Court for an order: (1) granting class certification of
6 the Settlement Class solely for settlement purposes pursuant to California Code of Civil Procedure
7 section 382; (2) preliminarily approving the Settlement Agreement (the “Settlement”)¹ between
8 Plaintiff and Defendants Jett Harvest, Inc., Jose Antonio Lopez, and Prime Ag Services Inc.
9 (“Defendants”) (Plaintiff and Defendants are referred to below collectively as the “Parties”), (3)
10 appointing David Spivak of The Spivak Law Firm and Walter L. Haines of United Employees
11 Law Group as Class Counsel; (5) appointing Plaintiff as Class Representative (“Class
12 Representative”); (6) approving the use of the proposed notice procedures and related forms; (7)
13 directing that notice be mailed to the proposed Settlement Class; and (8) scheduling a hearing
14 date for motion for final approval of class action settlement and awards of attorneys’ fees and
15 costs.

16 The “Settlement Class” or “Class” means all non-exempt hourly employees who are
17 employed or have been employed by Defendants Jett Harvest, Inc. and/or Prime Ag Services, Inc.
18 in the State of California during the Class Period. Settlement, ¶ I.5. “Class Period” means the
19 period from October 21, 2017 through July 6, 2023. Settlement, ¶ I.12.

20 This Motion is made on the following grounds: (1) the Settlement Class meets all the
21 requirements for class certification for settlement purposes only under California Code of Civil
22 Procedure section 382; (2) Plaintiff and his counsel are adequate to represent the Settlement Class;
23 (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed claims in
24 view of Defendants’ potential liability exposure as compared against the risks of continued
25 litigation; (4) the proposed notice procedures and related forms adequately apprise the Class
26 Members of their rights under the Settlement and fully comport with due process; and (5) in view
27

28 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak (“DS”), which is
submitted herewith under a separate cover.



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1 of the foregoing, notice should be disseminated to the Class Members and a hearing date for
2 motion for final approval of class action settlement, and awards of attorneys' fees and costs should
3 be set.

4 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
5 Points and Authorities, the Declarations of David Spivak and Walter L. Haines, and all papers
6 and pleadings on file with the Court in this action, all matters judicially noticeable, and on such
7 oral and documentary evidence as may be presented in connection with the hearing on the Motion.

8 Respectfully submitted,

9
10 THE SPIVAK LAW FIRM

11 Dated: December 20, 2024

12 By: David Spivak
13 DAVID G. SPIVAK and LAUREN R.
14 DAVIS, Attorneys for Plaintiff,
15 FRANCISCO RODRIGUEZ, and all
16 others similarly situated
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