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9
10 **SUPERIOR COURT OF CALIFORNIA**
11 **COUNTY OF SACRAMENTO**
12

13 JARED DEEVER, as an individual and on
14 behalf of all others similarly situated,

15 Plaintiffs,

16 v.

17 BLUE DIAMOND GROWERS, a California
corporation; et al,

18 Defendants.

19 AND RELATED CONSOLIDATED CASES.
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Case No. 34-2022-00316490-CU-OE-GDS
(Consolidated with Case Nos. 34-2022-
00319378-CU-OE-GDS and 34-2021-
00304425-CU-OE-GDS)

Assigned to Hon. Lauri A. Damrell, Dept. 22

**[PROPOSED] ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: January 31, 2025
Time: 9:00 a.m.
Dept.: 22

Reservation No.: A-316490-001

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1 The Court, having read the papers filed regarding Plaintiffs’ Motion for Preliminary
2 Approval of Class Action Settlement, and having heard argument on the Motion, hereby finds and
3 ORDERS as follows:

4 1. The Settlement Agreement and Release (“Settlement Agreement”), attached as
5 Exhibit 1 to the Chad Saunders in support of Plaintiffs’ Motion for Preliminary Approval of Class
6 Action Settlement, filed on or about January 8, 2025, is within the range of possible recovery and,
7 subject to further consideration at the Final Approval Hearing described below, is preliminarily
8 approved as fair, reasonable, and adequate. The Court, for purposes of this Order, adopts all defined
9 terms as set forth in the Settlement Agreement.

10 2 For purposes of settlement only, the Court provisionally and conditionally certifies
11 a class including all current and former non-exempt California employees employed directly by
12 defendant Blue Diamond Growers (“Blue Diamond”) who worked at any time during the Class
13 Period of July 14, 2017 through August 23, 2024.

14 3. The Court finds the Settlement Class, consisting of at least 2,392 members, is so
15 numerous that joinder of all members is impracticable, and that the Settlement Class is
16 ascertainable by reference to the business records of Blue Diamond.

17 4. The Court finds further there are questions of law and fact common to the entire
18 Settlement Class, which common questions predominate over any individualized questions of law
19 or fact, and these common questions include (1) whether Blue Diamond paid Settlement Class
20 Members for all hours worked, including overtime hours, at the correct hourly wage; (2) whether
21 Blue Diamond provided Settlement Class Members with all required meal periods on a compliant
22 basis; (3) whether Blue Diamond provided Settlement Class Members with all required rest periods
23 on a compliant basis; (4) whether Blue Diamond reimbursed business expenses; (5) whether Blue
24 Diamond provided Settlement Class Members with compliant wage statements; and (6) whether
25 Blue Diamond paid all wages due on separation of employment.

26 5. The Court finds further the claims of named Plaintiffs Jared Deaver, Daniel Ramirez
27 and Brad Smith are typical of the claims of the Settlement Class, and that they will fairly and
28 adequately protect the interests of the Settlement Class. Accordingly, the Court appoints Jared

1 Deaver, Daniel Ramirez and Brad Smith as the Class Representatives, and appoints their counsel of
2 record, Diversity Law Group, P.C., Polaris Law Group, Law Offices of Choi & Associates, Bibiyan
3 Law Group, P.C., and Crosner Legal PC, as Class Counsel.

4 6. The Court finds further that certification of the Settlement Class is superior to other
5 available means for the fair and efficient adjudication of the controversy.

6 7. The Court finds further that, in the present case, the proposed method of providing
7 notice of the Settlement to the Settlement Class via First Class U.S. Mail to each Settlement Class
8 Member's last known address, is reasonably calculated to notify the Settlement Class Members of
9 the proposed Settlement and provides the best notice possible under the circumstances. The Court
10 also finds the Notice of Class Action Settlement form is sufficient to inform the Settlement Class
11 Members of the terms of the Settlement and their rights thereunder, including the right to object to
12 the Settlement or any part thereof and the procedure for doing so, their right to exclude themselves
13 from the Settlement and the procedure for doing so, their right to obtain a portion of the Settlement
14 proceeds, and the date, time and location of the Final Approval Hearing. The proposed Notice of
15 Class Action Settlement (Exhibit A hereto, and incorporated herein by this reference) and the
16 procedure for providing Notice set forth in the Settlement Agreement, all are approved by the Court.

17 8. Under the terms of the Settlement Agreement, the Court approves the Parties'
18 selection of Phoenix Settlement Administrators as the Settlement Administrator. The Settlement
19 Administrator is ordered to mail the Class Notice to the Settlement Class Members via First-Class
20 U.S. Mail as specified in the Settlement Agreement, and to otherwise carry out all other duties set
21 forth in the Settlement Agreement. The Parties are ordered to carry out and comply with all terms
22 of this Order and the Settlement Agreement, and particularly with respect to providing the
23 Settlement Administrator all information necessary to perform its duties under the Settlement
24 Agreement.

25 9. Any member of the Settlement Class who wishes to comment on or object to the
26 Settlement or any term thereof, including any proposed award of attorney's fees and costs to Class
27 Counsel or any proposed representative enhancement to the Class Representatives, shall have forty-
28 five (45) days from the mailing of the Class Notice to submit his or her comments and/or objection

1 to the Settlement Administrator, as set forth in the Settlement Agreement and Class Notice.

2 10. Any member of the Settlement Class who wishes to exclude themselves from the
3 Settlement shall have forty-five (45) days from the mailing of the Class Notice to submit his or her
4 Request for Exclusion to the Settlement Administrator, as set forth in the Settlement Agreement and
5 Class Notice.

6 11. A Final Approval Hearing is hereby set for June 20, 2025, at 9:00 a.m. in Department
7 22 of the Sacramento County Superior Court, to consider any objections to the Settlement, determine
8 if the proposed Settlement should be found fair, adequate and reasonable and given full and final
9 approval by the Court, and to determine the amount of attorney's fees and costs awarded to Class
10 Counsel, the amount of any representative enhancement award to the Class Representatives, and to
11 approve the fees and costs payable to the Settlement Administrator. All legal memoranda, affidavits,
12 declarations, or other evidence in support of the request for final approval, the award of attorney's
13 fees and costs to Class Counsel, the enhancement awards to the Class Representatives, and the fees
14 and costs of the Settlement Administrator, shall be filed no later than sixteen (16) court days prior
15 to the Final Approval Hearing. The Court reserves the right to continue the Final Approval Hearing
16 without further notice to the Settlement Class Members.

17 12. Provided he or she has not submitted a timely and valid Request for Exclusion, any
18 Settlement Class Member may appear, personally or through his or her own counsel, and be heard
19 at the Final Approval Hearing regardless of whether he or she has submitted a written objection.

20 **IT IS SO ORDERED.**

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23 Dated: _____

Judge of the Superior Court