

Electronically Submitted on 09/1/23 3:38 PM

1 John A. Van Hook (SBN 205067)
2 VAN HOOK LAW FIRM
3 14156 Magnolia Blvd., Suite 200
4 Sherman Oaks, California 91423
5 Telephone: (310) 592-5884
6 Email: john@vanhooklawfirm.com

7 Adrian Byrne (SBN 304020)
8 THE BYRNE LAW GROUP
9 8605 Santa Monica, Blvd. Suite 48497
10 West Hollywood, CA 90069
11 Telephone: (800) 805-4002
12 Email: adrian@thebyrnelawgroup.com

13 *Attorneys for Plaintiff Isabel Sanchez*
14 *the Putative Class, and all Aggrieved Employees*

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

17 ISABEL SANCHEZ, individually, on
18 behalf of herself, all those similarly
19 situated, and all Aggrieved Employees,

20 Plaintiff,

21 vs.

22 AGRO PACK LLC, a California limited
23 liability company; and
24 DOES 1 through 100, inclusive,

25 Defendants.

Case No.: ECU002547

[Assigned to Hon. L. Brooks Anderholt]

**~~[PROPOSED ORDER]~~ GRANTING
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Concurrently filed with:

- (1) **MOTION FOR PRELIMINARY
APPROVAL AND MEMORANDUM
OF POINTS AND AUTHORITIES;**
- (2) **DECLARATION OF JOHN A. VAN
HOOK [ATTACHING
SETTLEMENT STIPULATION]**

Date: September 27, 2023

Time: 8:30 a.m.

Dept.: 9

Judge: Hon. L. Brooks Anderholt

1 **[PROPOSED] ORDER**

2 Plaintiff's Motion for Preliminary Approval of Class and Representative Action
3 Settlement came before this Court, Hon. L. Brooks Anderholt presiding, for hearing on September
4 27, 2023. The Court, having reviewed and considered the Motion, its accompanying memoranda,
5 exhibits submitted in support thereof, including the Joint Stipulation of Class and Representative
6 Action Settlement (the "Settlement Stipulation), the proposed Class Notice, the file in the action,
7 and any argument presented at the time of hearing, finds that the Motion should be, and hereby
8 is, GRANTED in accordance with the terms of this Preliminary Approval Order. The Court finds
9 and concludes as follows:

10 **PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT**

11 1. The Court finds on a preliminary basis that the proposed Settlement
12 Stipulation—including the gross settlement amount of \$462,500.00, the process by which
13 Settlement Class Members may dispute their relevant workweeks, object to, or request
14 exclusion from the settlement, and the settlement's non-reversionary nature—appears at this
15 stage to be fundamentally fair and adequate, and falls within the "range of reasonableness" and
16 therefore grants preliminary approval of the settlement based upon the terms set forth in the
17 Settlement Stipulation filed by Plaintiff.

18 2. Based on a review of the papers submitted by Plaintiff, the Court finds that the
19 Settlement is the result of extensive, arm's-length negotiations with Defendant conducted after
20 Plaintiff's Counsel had adequately investigated the claims and become familiar with the
21 strengths, weaknesses with those claims. Moreover, the Parties' mediation with the assistance of
22 an experienced employment and class action mediator further indicates that the settlement is
23 reasonable and the product of arms-length negotiations.

24 3. Accordingly, the Court finds the Settlement Stipulation to be presumptively
25 valid, subject to objections that may be raised and further evidence and argument that may be
26 considered at the Final Approval Hearing. In making this preliminary finding, the Court
27 considered the nature of the claims, the amounts and kinds of benefits paid and received in the
28

1 settlement, the allocation of settlement payments among the Settlement Class Members. The
2 Court further recognizes that Defendant does not admit, and instead vigorously contests, that
3 Defendant is liable for any of the claims subject to this settlement.

4 **CONDITIONAL CLASS CERTIFICATION**

5 4. Pursuant to section 382 of the Code of Civil Procedure, in light of the Settlement
6 Stipulation, the Court hereby finds that the prerequisites for conditional certification of a
7 settlement class have been met and preliminarily certifies the following class for settlement
8 purposes only (the “Settlement Class”):

9 All individuals who worked for Defendant in the State of California as hourly and/or
10 piece rate employees at any time from September 13, 2018, through to the date of
11 Preliminary Approval (“the Class Period”), and who worked at one or more of the
12 following five growers: (1) Five Crowns, Inc., (2) E. Schaffner Packing Co., (3) Bro-
Quali Harvest, Inc., (4) Sunterra Produce Traders, Inc., and (5) Betteravia Farms, LLC
(collectively, the “Growers”).

13 5. Solely for purposes of Settlement, the Court finds that the certification of the
14 Settlement Class is warranted under the Code of Civil Procedure, section 382, because: (a) the
15 proposed Class is ascertainable and so numerous that joinder of all members of the class is
16 impracticable; (b) there are predominant questions of law or fact common to the proposed
17 Settlement Class, and there is a well-defined community of interest among members of the
18 proposed Settlement Class with respect to the subject matter of the action; (c) the claims of
19 Plaintiff and Class Representative Isabel Sanchez (“Class Representative”) are typical of the
20 claims of the members of the proposed Settlement Class; (d) a class action is superior to other
21 available methods for an efficient adjudication of this controversy; (e) the Class Representative
22 will fairly and adequately protect the interests of the proposed Class; and (f) Plaintiff’s counsel
23 is qualified to serve as Class Counsel.

24 6. The Court hereby provisionally appoints John A. Van Hook of the Van Hook
25 Law Firm and Adrian C. Byrne of The Byrne Law Group as Class Counsel.

26 7. The Court hereby provisionally appoints Plaintiff Isabel Sanchez as Class
27 Representative of the Settlement Class.
28

NOTICE TO SETTLEMENT CLASS MEMBERS

8. The Court hereby approves the Parties' designation of Phoenix Settlement Administrators as Settlement Administrator to perform the functions described in the Settlement Stipulation. The Court notes that the Settlement Stipulation provides that the costs of the Settlement Administrator will be paid from the gross settlement and shall be approximately \$40,000, and that approval of the Settlement Administration fees shall be subject to further review and final approval through the Final Approval Hearing.

9. The Court further finds that the Notice of Class Action Settlement (the "Notice"), attached to the Settlement Stipulation as Exhibit 1, and attached to the Motion or Preliminary Approval as Exhibit A-1, is reasonable and constitutes due, adequate, and sufficient notice of the proposed settlement to all persons affected by and/or entitled to participate in the proposed Settlement or the Final Fairness Hearing. In particular, the Notice adequately explains to the Settlement Class Members the nature of the settlement and its terms, the means by which they may dispute their relevant workweeks used to calculate their estimated settlement payment, the means by which they may object to the settlement, and the means by which they may request exclusion from the settlement.

10. Accordingly, the Court orders that the Class Notice shall be distributed to Settlement Class Members pursuant to the terms of the Settlement Stipulation.

FINAL APPROVAL HEARING

11. As set forth in the Settlement Stipulation, a hearing (the "Final Approval Hearing") will be held before the Court to determine:

- a. whether the proposed Settlement, on the terms and conditions provided for in the Settlement Stipulation, should be finally approved by the Court in a final order as fair, reasonable, and adequate, including consideration of any timely filed objections;
- b. whether Class Counsel and the Class Representative have fairly and adequately represented the interests of the Settlement Class;

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

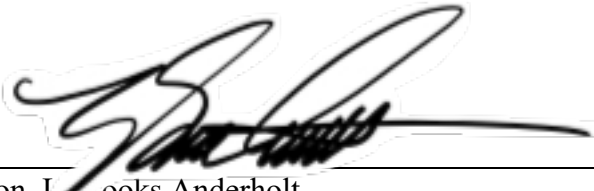
- c. whether the application for Attorney’s Fees, Litigation Costs, PAGA Payment, Settlement Administrator Costs, Class Representative Enhancement Award, to be submitted by Plaintiff and Class Counsel in connection with the Final Approval Hearing should be approved; and
- d. such other matters as the Court may deem necessary or appropriate.

12. Consistent with the Settlement Stipulation, the Court hereby adopts the following schedule for further proceedings:

Settlement Event	Estimated Completion Date
Deadline for Class Database to be provided to Settlement Administrator	[14 calendar days after preliminary approval order]
Deadline for Class Notice to be Mailed to Settlement Class Members	[14 days after receipt of Class Database]
Deadline for Settlement Class Members to object or request exclusion from settlement	[30 days after mailing of Class Notice]
Deadline for Settlement Administrator to provide final class list and any objections to settlement	[14 days after objection/exclusion deadline]
Final Approval Hearing	01/25/2024 , at 8:30 a.m.

IT IS SO ORDERED.

Dated: 09/27/2023



Hon. I. Looks Anderholt
Judge of the Superior Court
Imperial County Superior Court