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13 *Attorneys for Plaintiffs & Putative Class*

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF TULARE**
16 **(UNLIMITED JURISDICTION)**

17 MAYNOR HERRERA, RODRIGO RUIZ
18 GARCIA, and PEDRO CORONA on behalf
19 of themselves and others similarly situated,

20 Plaintiffs,

21 vs.

22 JAMES JONGSMA DAIRY; JESSE &
23 JAMES JONGSMA DAIRY G.P. a general
24 partnership; JAMES JONGSMA,
25 individually; JESSE JONGSMA, individually;
26 and DOES 1 through 50, inclusive,

27 Defendants.

Case No. VCU296028

**NOTICE OF MOTION AND MOTION
FOR (1) PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT; (2)
PROVISIONAL CERTIFICATION OF
CLASS AND APPOINTMENT OF CLASS
COUNSEL; (3) APPROVAL OF FORM
AND METHOD OF CLASS NOTICE;
AND (4) THE SCHEDULING OF A
FINAL FAIRNESS HEARING**

Hon. Bret Hillman

Date: September 24, 2024

Time: 8:15 a.m.

Dept: 2

1 NOTICE

2 TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF
3 RECORD:

4 PLEASE TAKE NOTICE that on September 24, 2024, at 8:15 a.m., or as soon thereafter as
5 the matter may be heard in Department 2 of the above-entitled Court located at 221 South Mooney
6 Boulevard, Visalia, CA 93291. Plaintiffs Maynor Herrera, Rodrigo Ruiz Garcia, and Pedro Corona
7 (“Named Plaintiffs”), individually and on behalf of all similarly situated individuals, will and
8 hereby do move this Court for entry of the proposed Order filed concurrently herewith:

- 9 1. Preliminary approving the class action settlement for Two Hundred Thousand
10 Dollars (\$200,000) as presumptively fair, adequate, and reasonable;
- 11 2. Conditionally certifying the class for proposed of settlement and appoint the Named
12 Plaintiffs as the class representatives;
- 13 3. Appointing the Law Offices of John E. Hill and Law Offices of Enrique Martinez as
14 class counsel;
- 15 4. Approving the proposed form and method of class notice; and,
- 16 5. Scheduling a fairness hearing on the question of whether the proposed settlement
17 should be finally approved as fair, reasonable, and adequate.

18 The grounds for this motion are that (1) the parties have reached an arms-length settlement
19 of this matter after bona fide settlement negotiations including a mediation session with an
20 experienced mediator; (2) Plaintiffs’ counsel and the Named Plaintiffs, as representatives of the
21 class, believe that the proposed settlement is in the best interests of the class as a whole; and (3) all
22 parties desire to conclude this matter without further expense, delay, and uncertainty. This Motion
23 is based on the accompanying Memorandum of Points and Authorities, the Declaration of Enrique
24 Martinez, the Declaration of Plaintiff Maynor Herrera, the Declaration of Plaintiff Rodrigo Ruiz
25 Garcia, the Declaration of Plaintiff Pedro Corona, the Declaration of Defendant James Jongsma,
26 the Declaration of Defendant Jesse Jongsma, the Declaration of Julie Green on Behalf of CPT
27 Group, Inc., and supporting exhibits, the Proposed Order, and all other records, pleadings, and
28 papers filed in this action.

1 Dated: August 27, 2024

Respectfully Submitted,

2 LAW OFFICES OF ENRIQUE MARTINEZ

3 *Enrique Martinez*
4 By: _____
5 Enrique Martinez
6 *Attorney for Plaintiffs and Putative Class*
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