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*Attorneys for Plaintiffs & Putative Class*

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

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

Plaintiffs,

vs.

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

Defendants.

Case No. VCU296028

CLASS ACTION

**Hon. Bret Hillman**

**[PROPOSED] ORDER GRANTING  
MOTION FOR (1) PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT; (2) PROVISIONAL  
CERTIFICATION OF SETTLEMENT  
CLASS AND APPOINTING CLASS  
COUNSEL; (3) APPROVING FORM  
AND METHOD OF CLASS NOTICE;  
AND (4) SCHEDULING A FINAL  
FAIRNESS HEARING**

**Date: September 24, 2024**

**Time: 8:15 a.m.**

**Dept: 2**

1 The above-captioned matter came on for hearing before the Court on September 24, 2024  
2 on Plaintiffs' Motion for (1) Preliminary Approval of a Class Action Settlement, (2) Provisional  
3 Certification of a Proposed Settlement Class and Appointment of Class Counsel, (3) Approval of a  
4 Proposed Form and Method of Class Notice, and (4) the Scheduling of a Final Fairness Hearing.  
5 The Parties have entered into a class settlement, attached as Exhibit 1 to the Declaration of Enrique  
6 Martinez in Support of Preliminary Approval, which, if approved, would resolve this class action  
7 lawsuit (the "Action").

8 Upon review and consideration of the motion papers and the Settlement Agreement  
9 ("Settlement"), including the Declaration of Enrique Martinez and the exhibits thereto, the Court  
10 finds that there is sufficient basis for (1) granting preliminary approval of the Settlement; (2)  
11 provisionally certifying the class for settlement purposes only; (3) appointing Plaintiffs' counsel as  
12 Class Counsel and appointing the Named Plaintiffs to represent the Settlement Class; (4) approving  
13 the Parties' proposed form and method of notice to the Settlement Class; (5) approving the Parties'  
14 proposed Class Notice and Dispute Form and the procedures set forth in the Settlement for class  
15 members to exclude themselves from the Settlement Class or object to the Settlement, and  
16 directing that notice be disseminated to the Settlement Class pursuant to the terms of the  
17 Settlement; (6) staying all non-settlement related proceedings in the Action pending final approval  
18 of the Settlement; and (7) setting a final hearing (the "Fairness Hearing") at which time the Court  
19 will consider whether to grant (a) final approval of the Settlement and (b) Class Counsel's  
20 application for attorneys' fees and costs.

21 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

22 1. This Action is provisionally certified as a class action, for the purposes of settlement  
23 only, pursuant to Code of Civil Procedure section 382.

24 2. The Settlement Class is defined as— all non-exempt employees who were  
25 employed by Defendants any time between February 21, 2019 to Preliminary Approval Order date,  
26 excluding all of Defendants' family members, office workers, and salaried employees. The Parties  
27 anticipate a class size of approximately 160 class members.

1           3.       Certification of the Settlement Class shall be solely for the purposes of settlement  
2 and without prejudice to the Parties in the event the Settlement is not finally approved by this Court  
3 or otherwise does not take effect.

4           4.       The Court preliminarily approves the Settlement as fair, reasonable, and adequate,  
5 entered into in good faith, free of collusion, and within the range of possible judicial approval.

6           5.       The Court appoints the following attorney as Class Counsel:

7           John E. Hill  
8           LAW OFFICES OF JOHN E. HILL  
9           333 Hegenberger Road, Ste. 500  
10          Oakland, CA 94621  
11          Telephone: (510) 588-1000  
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13          Enrique Martinez  
14          LAW OFFICES OF ENRIQUE MARTINEZ  
15          360 Grand Avenue #141  
16          Oakland, CA 94610  
17          Telephone: (510) 764-6470  
18          Facsimile: (510) 550-2858  
19          Email: emartinez15@comcast.net

20          6.       The Court appoints the Named Plaintiffs Maynor Herrera, Rodrigo Ruiz Garcia, and  
21 Pedro Corona, as the class representatives.

22          7.       The Court appoints CPT Group, Inc. to serve as the settlement administrator and to  
23 carry out all duties and responsibilities of the Claims Administrator as specified in the Settlement.

24          8.       The Court approves the method of disseminating notice to the Settlement Class in  
25 Spanish and English, as set forth in the Settlement. The Court approves the form and content of the  
26 Class Notice and Dispute Form and finds that the proposed forms are reasonably clear and should  
27 be reasonably understandable to Settlement Class members. The Court finds that the proposed form  
28 and method of notice provided in the Settlement constitutes the best notice practicable under the  
circumstances, and will provide valid, due, and sufficient notice to the Settlement Class in full  
compliance with the requirements of applicable law, including Code of Civil Procedure section 382  
and the Due Process Clause of the United States Constitution, and is the only notice to the  
Settlement Class of the Settlement that is required.

1           9.       Not later than twenty (20) days from the date of this Order, Defendants' counsel  
2 shall provide to the Claims Administrator with a list of all members of the Settlement Class, their  
3 last known addresses, telephone numbers, and social security or individual taxpayer identification  
4 numbers. The Claims Administrator shall be responsible for preparing, printing, and mailing to  
5 members of the Settlement Class the Class Notice and Dispute Form. A Spanish language  
6 translation (prepared by the Claims Administrator) of all materials mailed to members of the  
7 Settlement Class shall be included as a part of the same mailing.

8           10.      No later than thirty (30) days from the date of this Order, the Claims Administrator  
9 shall send a copy of the Class Notice and Dispute Form to members of the Settlement Class via  
10 First Class regular U.S. mail, postage prepaid, using the most current mailing address information  
11 available. The date of the original mailing will be the Notice Date. For any Class Notice returned  
12 to the Claims Administrator as non-deliverable within forty-five (45) days of the Notice Date, the  
13 Claims Administrator shall make prompt and reasonable efforts to locate the person involved,  
14 using appropriate search methods. If new address information is obtained, the Claims  
15 Administrator shall promptly re-mail the Class Notice to the addressee via First Class regular U.S.  
16 mail, postage prepaid, using the new address. If the Claims Administrator is unable to obtain new  
17 address information with regard to any Class Notice returned as non-deliverable within forty-five  
18 (45) days following the Notice Date, or if a Class Notice is returned as non-deliverable more than  
19 forty-five days (45) days following the original mailing date, the Claims Administrator shall be  
20 deemed to have satisfied its obligation to provide the Class Notice to the affected member of the  
21 Settlement Class through the original mailing. In the event the procedures in this paragraph are  
22 followed and the intended recipient of the Class Notice does not receive the Class Notice, the  
23 intended recipient shall nevertheless remain a member of the Settlement Class and shall be bound  
24 by all the terms of this Settlement and the Order and Final Judgment.

25           11.      Those members of the Settlement Class who wish to opt out of the settlement must  
26 serve on the Claims Administrator a written statement opting out of the Settlement. Such written  
27 statement must be served on the Claims Administrator no later than sixty (60) days from the Notice  
28

1 Date. Settlement Class members who receive a re-mailed notice from the Claims Administrator  
2 will have an additional 15 days to opt-out of the settlement.

3 12. If the Settlement is finally approved and becomes effective, any Settlement Class  
4 member who does not send a timely and valid written statement opting out of the Settlement shall  
5 be a Settlement Class Member and shall be bound by all subsequent proceedings, orders, and  
6 judgments in this Action, including, but not limited to, the release of claims as provided in the  
7 Settlement.

8 13. Those members of the Settlement Class who wish to object to the Settlement must  
9 serve on the Claims Administrator a written statement objecting to the Settlement. Such written  
10 statement must be served on the Claims Administrator no later than sixty (60) days from the Notice  
11 Date. Settlement Class members who receive a re-mailed notice from the Claims Administrator  
12 will have an additional fifteen (15) days to object to the settlement.

13 14. Those Settlement Class members who wish to dispute their share of the settlement  
14 proceeds must submit a timely dispute form to the Claims Administrator no later than sixty (60)  
15 days from the Notice Date. Settlement Class members who receive a re-mailed notice from the  
16 Claims Administrator will have an additional fifteen (15) days to dispute their share of the  
17 settlement. The Claims Administrator shall calculate the number of individual Settlement Awards  
18 taking into account the number of pay periods during the Class Period that each Eligible Class  
19 Member worked for Defendants.

20 15. The Court will hold a final Fairness Hearing on \_\_\_\_\_, 2024 at  
21 \_\_\_\_ a.m. to determine whether the Settlement should be finally approved as fair, reasonable, and  
22 adequate to the Settlement Class, whether Final Judgment should be entered dismissing the Action  
23 with prejudice, and whether Class Counsel's application for an award of attorneys' fees and costs  
24 pursuant to the Settlement should be approved.

25 16. The Parties shall file any motions in support of final approval of the Settlement and  
26 Class Counsel shall file their fee application one week from the date of the Final Fairness Hearing.

1           17. At no time shall the Party or their counsel seek, solicit or otherwise encourage,  
2 directly or indirectly, members of the Settlement Class to submit written objections to the  
3 settlement, to opt out, or to appeal from the Order and Final Judgment.

4           18. The date of the Fairness Hearing as provided in this Order and related deadlines  
5 may be rescheduled by the Court upon notice to the Parties.

6           19. This Order shall become null and void and shall be without prejudice to the rights of  
7 the Parties, all of whom shall be restored to their respective positions existing immediately before  
8 the Court entered this Order, if: (a) the Settlement is not finally approved by the Court, or does not  
9 become final, pursuant to the terms of the Settlement; or (b) the Settlement does not become  
10 effective pursuant to the terms of the Settlement for any other reason.

11           20. Pending the final determination of whether the Settlement should be approved, all  
12 proceedings in this Action, except as may be necessary to implement the Settlement or to comply  
13 with the terms of the Settlement, are hereby stayed.

14           21. The following chart summarizes the dates and deadlines set by this Order, which are  
15 also included in the Implementation Schedule, attached as Exhibit 1C to the Declaration of Enrique  
16 Martinez in Support of Preliminary Approval.

17

|                                                                                   |                                                 |
|-----------------------------------------------------------------------------------|-------------------------------------------------|
| 18 Defendants provide list of all<br>19 class member addresses to<br>Claims Admin | 20 Days from Date of Preliminary Approval Order |
| 20 Claims Admin sends Class<br>Notice                                             | 30 Days from Date of Preliminary Approval Order |
| 21 Opt out deadline                                                               | 60 Days from Date Notice is sent out            |
| 22 Objection deadline                                                             | 60 Days from Date Notice sent out               |
| 23 Award dispute deadline                                                         | 60 Days from Date Notice sent out               |
| 24 Fairness/Final Approval<br>25 Hearing                                          | [TBD]                                           |

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1 **IT IS SO ORDERED.**

2  
3 Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT