

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

ROSALINO PEREZ-BENITES, et al.

PLAINTIFFS

v.

CASE NO. 07-CV-1048

CANDY BRAND, LLC, et al.

DEFENDANTS

ORDER

Before the Court is Plaintiffs' Motion for Certification of Rule 23 Class Action. (Doc. 68). Defendants have responded. (Docs. 70, 141, 142, 148). Plaintiffs have replied to Defendants' response. (Docs. 74, 152). Upon consideration, for the reasons set forth in the Memorandum Opinion of even date, the Court finds that the Plaintiffs' Motion for Certification of Rule 23 Class Action should be and hereby is **GRANTED**.

The following two classes are hereby certified:

Class I

All nonsupervisory workers employed by Defendants at any time between 2003 and the date of judgment in this matter who were employed pursuant to H-2A temporary work visas.

Class II

All nonsupervisory workers employed in the Defendants' packing shed operations at any time between 2003 and the date of judgment in this matter—irrespective of visa status—who did not receive overtime pay during workweeks when they worked more than forty (40) hours.

IT IS SO ORDERED, this 23rd day of March, 2010.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge