

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SANTIAGO ROJAS, et al., ) Case No.: 1:09-cv-00705-AWI-JLT  
Plaintiffs, )  
v. ) ORDER GRANTING STIPULATION, AS  
MARKO ZANINOVICH, INC. and ) AMENDED ORALLY, TO PROVIDE AMENDED  
SUNVIEW VINEYARDS OF ) BENEFIT FORMS TO CERTAIN CLASS  
CALIFORNIA, INC., ) MEMBERS  
Defendants. ) (Doc. 275)  
)  
)

Due errors made in assumptions related to the calculation of estimated benefits, the Claims Administrator provided Benefit Forms to 137 prospective class members that overstated—sometimes significantly—the benefits these prospective class members will likely receive if the settlement is approved. (Doc. 275 at 3-4) To address this error, the parties have stipulated to provide amended Benefit Forms to these 137 class members and to adjust their “Response Deadline,” as that term is defined in their settlement agreement. Id. at 4.

However, because the proposed amended Response Deadline would leave insufficient time for the Court and counsel to review and address any objections lodged to the settlement before the Final Approval and Fairness Hearing, the Court held a telephonic hearing on May 8, 2015. During this

1 conference, counsel agreed the amended Response Deadline would be reduced from the proposed 30-  
2 day deadline to 24 days from the date the amended Benefit Forms are mailed.<sup>2</sup>

3 Notably, the parties set forth in their settlement agreement that they retained the authority to  
4 amend the “Response Deadline.” (Doc. 256-4 at 8) The Court finds that exercise of that retained  
5 authority in this instance serves the class members’ best interests because it provides the class members  
6 full and fair information to allow them to decide whether they should participate in the class and  
7 whether they will object to the settlement.

8 In addition, though the settlement agreement anticipates that prospective class members would  
9 have 30 days to provide corrections to the Benefit Forms (Doc. 256-4 at 17), there was no agreement  
10 set forth related to a correction period as to amended Benefit Forms; this eventuality was not  
11 anticipated. Even if the agreement is read to require a 30-day correction period for amended Benefit  
12 Forms, the Court finds good cause exists and the interests of the class are furthered by reducing this  
13 correction period to 24 days for the reasons set forth above. The Court finds also that the interests of  
14 the class would be promoted by maintaining the current Final Approval and Fairness Hearing in light of  
15 comments already filed objecting to certain aspects of the proposed settlement. (Docs. 273, 278)  
16 Indeed, maintaining the current hearing date will allow these class members to appear at the hearing  
17 and make oral comment, if they choose.<sup>3</sup> Therefore, for the reasons stated, the Court **ORDERS**:

18 1. The stipulation of counsel (Doc. 268) as amended orally in the telephonic conference on May  
19 8, 2015—as set forth above—is **GRANTED**;

20 2. The Claims Administrator **SHALL** mail the amended Benefit Forms to the 137  
21 impacted class members no later than May 8, 2015;

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26 <sup>2</sup> The Court was assured that the Claims Administrator will mail the amended Benefit Forms on May 8, 2015, which would  
27 mean that any objections to the settlement would be due to be filed no later than June 4, 2015.

28 <sup>3</sup> The Court is aware that the class members are seasonal farm workers and that requiring them to appear at the courthouse  
to obtain notice of the new hearing date would impose a financial hardship on them. Moreover, providing notice of a new  
hearing date—if this was required—would be unwieldy, cost inefficient to the class as a whole, and is unlikely to result in  
actual notice of a changed hearing date.

3. The Response Deadline for these class members is 24 days or no later than June 4, 2015, whichever is later.

IT IS SO ORDERED.

Dated: May 8, 2015

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE