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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA AT FRESNO

SABAS ARREDONDO, JOSE CUEVAS,
HILARIO GOMEZ, IRMA LANDEROS, and
ROSALBA LANDEROS individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

DELANO FARMS COMPANY, a Washington
State Corporation; CAL-PACIFIC FARM
MANAGEMENT, L.P.; T&R BANGI'S
AGRICULTURAL SERVICES, INC., and
DOES 1 through 10, inclusive,

Defendants.

NO. 1:09-cv-01247-MJS

**STIPULATION AND ORDER RE
CLASS NOTICE**

I. STIPULATION

Pursuant to paragraphs 56 and 57 of the Joint Stipulation of Settlement of Class Actions (“Settlement”) (EFC No. 463-1, Ex. 1) and the Court’s Order of Certification of Settlement Class and Preliminary Approval of Joint Stipulation of Settlement of Class Actions (ECF No. 484), the parties and the settlement administrator, KCC, have compiled the Class Data List, identified mailing addresses for the Settlement Class Members, and calculated Anticipated Settlement Shares. Under paragraph 58.a of the Settlement and the Court’s Scheduling Order (ECF No. 488), KCC is to complete the First Mailing of Class Notice by May 16, 2017. Due to delays in finalizing the documents to be mailed, however, KCC will not be able to complete the

1 mailing before May 19, 2017.

2 Accordingly, the parties stipulate and jointly request that the Deadline for the
3 Settlement Administrator to disseminate Class Notice (“First Mailing”) per ¶ 58.a of Settlement
4 as set forth in the Scheduling Order be modified to May 19. It is expected that this will not
5 necessitate a change in any other deadlines or in the date of the Fairness and Approval Hearing.

6 The parties and KCC also have made slight modifications to the Class Notice
7 documents in the process of finalizing them. Other than the correction of typos, formatting
8 changes, completing the blanks in the approved Class Notice documents to provide specific
9 dates and contact information, and other insignificant changes (such as referring to “daytime”
10 and “evening” phone numbers rather than “work” and “home”), the following changes have
11 been made to the following documents:

12 **Notice of Proposed Class Action Settlement**

- 13 • Settlement Class Members are now provided with an email address, in addition to a
14 phone number and website, to use in having questions addressed.
- 15 • In the response to Question 16, Jose Cuevas’s enhancement payment amount was
16 increased from \$2,000 to \$7,000 and the total enhancement payment to the Class
17 Representatives was increased from \$32,000 to \$37,000. (See ECF Nos. 480 at 3:1-
18 4 and 484 at ¶ 1(e).) In the response to Question 15, the Net Settlement Fund was
19 reduced from \$3,454,823.72 to \$3,449,823.72 to reflect the revised estimated
20 enhancement payments.

21 **Claim Form**

- 22 • Where more than one unique name appeared in the payroll records for the same
23 Settlement Class Member, the Claim Form previously included a table showing the
24 work weeks counted *for each of the different names* in calculating the Settlement
25 Class Member’s Anticipated Settlement Share. The table also included a space for
26 Employee Identification Numbers. This table was deemed to be potentially
27 confusing and not likely to be useful and thus was removed. However, the Claim

1 Form still identifies the unique names believed to be associated with each
2 Settlement Class Member and included in calculating his or her anticipated
3 settlement share and states the total number of work weeks deemed to have been
4 worked by that Settlement Class Member in each Class Period.

- 5 • Settlement Class Members are now provided with an email address, in addition to a
6 phone number and website, to use in challenging their Anticipated Settlement
7 Shares.
- 8 • The estimated Net Settlement Fund has been reduced from \$3,454,823.72 to
9 \$3,449,823.72 to reflect the \$7,000 payment to Mr. Cuevas. (See ECF Nos. 480 at
10 3:1-4 and 484 at ¶ 1(e)). For the same reason, the estimated payments to the
11 Representative Plaintiffs has been increased from \$32,000 to \$37,000.

12 The parties hereby stipulate to the above changes and request that the Court approve
13 them. The final, revised versions of the Class Notice documents are attached hereto as Exhibits
14 A (Notice of Certification of Settlement Class and Class Action Settlement and Your Rights), B
15 (Claim Form), and C (Opt-Out Form).

16 **SO STIPULATED:**

17 **SAVITT BRUCE & WILLEY LLP**

MCCORMICK BARSTOW LLP

18 By /s/ David N. Bruce (as authorized on May
19 15, 2017)

By /s/ D. Greg Durbin (as authorized on May 15,
2017)

20 David N. Bruce, *Pro Hac Vice*
Miles A. Yanick, *Pro Hac Vice*

D. Greg Durbin, State Bar No. 81749
Laura A. Wolfe, State Bar No. 266751

21 Attorneys for Delano Farms Company

Attorneys for Cal-Pacific Farm Management,
22 L.P. and T&R Bangi's Agricultural Services, Inc.

23 **LAW OFFICES OF WILLIAM C. HAHESY**

MARTINEZ AGUILASOCHO & LYNCH

24 By /s/ William C. Hahesy (as authorized on
25 May 15, 2017)

By /s/ Mario Martinez (as authorized on May 15,
2017)

26 William C. Hahesy, State Bar No. 105743

Mario Martinez, State Bar No. 200721

Thomas Patrick Lynch, State Bar No.159277

27 Attorney for Delano Farms Company

Attorneys for Plaintiffs

1 **II. ORDER**

2 IT IS SO ORDERED. The Deadline for the Settlement Administrator to disseminate
3 Class Notice (“First Mailing”) per ¶ 58.a of Settlement, as set forth in the Scheduling Order, is
4 changed from May 16 to May 19, 2017, and the revised Class Notice forms attached hereto as
5 Exhibits A–C are hereby approved.

6 IT IS SO ORDERED.

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8 Dated: May 15, 2017

9 /s/ Michael J. Song
10 UNITED STATES MAGISTRATE JUDGE
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