

1 **SHEPHERD, FINKELMAN, MILLER & SHAH, LLP**
 Rose F. Luzon (SBN 221544)
 2 401 West A Street, Suite 2350
 San Diego, CA 92101
 3 Phone: (619) 235-2416
 Facsimile: (619) 234-7334
 4 Email: rluzon@sfmslaw.com

5 [Additional Counsel Appear on Signature Page]

6 **Attorneys for Plaintiffs and Proposed Class**

7
 8 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
 9 **FRESNO DIVISION**

10 PATRICIA FRANCO and LILIA CASTRO,
 11 on behalf of themselves and all others
 12 similarly situated,

13 Plaintiffs,

14 vs.

15 RUIZ FOOD PRODUCTS, INC., and
 DOES 1-50, inclusive,

16 Defendants.

Case No.: 1:10-cv-02354-AWI-SKO

JOINT STIPULATION AND ORDER
RE: FINAL APPROVAL OF CLASS ACTION
SETTLEMENT

Crtrm.: 7

Judge: Hon. Sheila K. Oberto

17
 18 Pursuant to Civil L.R. 143, and as directed by the Court, Plaintiffs, Patricia Franco and
 19 Lilia Castro (“Plaintiffs”), and Defendant Ruiz Food Products, Inc. (“Defendant” or “Ruiz”)
 20 (collectively with Plaintiffs, the “Parties”), by and through their undersigned counsel, hereby
 21 agree and stipulate as follows:

22 1. On August 8, 2012, counsel for Defendant sent a letter to the Court, which
 23 addressed certain matters relating to the timing of final approval of the class action settlement
 24 reached between Plaintiffs and Defendant (“Settlement”).

25 2. In the letter, Defendant requested that the Court wait until November 5, 2012 to
 26 issue an order granting final approval of the Settlement, so as to allow Defendant to comply with
 27 28 U.S.C. § 1715, which requires Defendant to provide 90-days’ notice of the proposed class
 28 Settlement to the state and federal Attorneys General. Defendant provided such notice on

1 August 7, 2012, and the 90-day notice period would run on November 5, 2012. On August 14,
2 2012, pursuant to the Court's Order of the same date, Defendant filed with the Court a proof of
3 service of the notice sent pursuant to 28 U.S.C. § 1715.

4 3. On August 13, 2012, the Parties met and conferred regarding the subject matter of
5 the August 8, 2012 letter. The Parties recognize that, as an unfortunate consequence of this
6 development, the final approval decision will be delayed at least until November 5, 2012 and,
7 thus, payment of Settlement proceeds to members of the Settlement Class will also be delayed.

8 4. In an effort to mitigate the impact of this delay to the Settlement Class, the Parties
9 reached agreement as follows:

10 a. The Parties agree to consent to the jurisdiction of Your Honor and will file their
11 respective Magistrate Consent Form within five (5) days of filing this Joint
12 Stipulation.

13 b. The Parties agree to request that the Court set a further final approval hearing on
14 November 5, 2012. By this date, as mentioned above, Defendant's notice
15 obligations under 28 U.S.C. § 1715 will be complete and final approval of the
16 Settlement may be granted by the Court.

17 c. The Parties agree that Plaintiffs' supplemental submission required by the Court's
18 Order of August 1, 2012 will be due by October 15, 2012, as opposed to August
19 17, 2012. This will ensure that the record will be as full and complete as possible
20 for the Court, in terms of both the time and resources devoted to this matter by
21 Class Counsel and Plaintiffs, including additional time spent between now and
22 October 15, 2012, so that the Court can properly consider and, if appropriate,
23 grant final approval of the Settlement based upon the most complete and updated
24 factual record possible.

25 d. Defendant agrees, within five (5) days of the Effective Date of the Settlement, as
26 set forth in paragraphs 14(b) and 15 in the Joint Stipulation of Settlement and
27 Release Between Plaintiffs and Defendant, to provide the Settlement proceeds to
28 the Settlement Administrator for disbursement of the Settlement Class

1 distributions, Class Representative Incentive Awards, California Private
2 Attorneys General Act Allocation, Class Counsel Fees and Costs, and Settlement
3 Administrator Costs. As a result of this agreement, if the Court grants final
4 approval of the Settlement on or about November 5, 2012 (which the Parties will
5 request), the Settlement Class would receive payment of the Settlement proceeds
6 in mid-December, 2012, before the holidays and the end of the calendar year.

- 7 5. Based thereon, and in accordance with the above agreements, the Parties
8 respectfully request the Court order the following:
- 9 a. A further final approval hearing will be held on November 5, 2012 at a time
10 convenient to the Court; and
 - 11 b. Plaintiffs must make their Supplemental Submission supplying all information
12 that the Court directed in its Order of August 1, 2012 by no later than October 15,
13 2012.

14 **SO STIPULATED.**

15 Date: August 17, 2012

16

17 JACKSON LEWIS LLP

18

19 /s/ Cynthia S. Sandoval
Cynthia S. Sandoval, Esquire
20 Hazel U. Poui, Esquire
Jackson Lewis LLP
21 5000 Birch Street, Suite 5000
Newport Beach, CA 92660
22 Telephone: 949-885-1360
23 Facsimile: 949-885-1380
Email: sandovac@jacksonlewis.com
24 Email: poeih@jacksonlewis.com

25 Mitchell F. Boomer, Esquire
26 199 Fremont Street, 10th Floor
San Francisco, CA 94105
27 Telephone: 415-394-9400
Facsimile: 415-394-9401
28 Email: boomerm@jacksonlewis.com

Respectfully Submitted,

SHEPHERD, FINKELMAN, MILLER
& SHAH, LLP

/s/ Rose F. Luzon
Rose F. Luzon (SBN 221544)
401 West A Street, Suite 2350
San Diego, CA 92101
Phone: (619) 235-2416
Facsimile: (619) 234-7334
Email: rluzon@sfmslaw.com

James E. Miller (SBN 262553)
Karen Leser-Grenon (SBN 231189)
Shepherd, Finkelman, Miller & Shah, LLP
65 Main Street
Chester, CT 06412
Telephone: (860) 526-1100
Facsimile: (860) 526-1120
Email: jmiller@sfmslaw.com
kleser@sfmslaw.com

1 *Attorneys for Defendant*
2 *Ruiz Food Products, Inc.*

Philip A. Downey
Admitted Pro Hac Vice
The Downey Law Firm, LLC
P.O. Box 1021
Unionville, PA 19375
Telephone: (610)324-2848
Facsimile: (610)813-4579
Email: downeyjustice@gmail.com

6 Eric L. Young
7 *Admitted Pro Hac Vice*
8 Egan Young, Attorneys-at-Law
9 526 Township Line Road, Suite 100
10 Blue Bell, PA 19422
11 Telephone: (215) 367-5151
12 Facsimile: (215) 367-5143
13 Email: eyoung@eganyoung.com

Attorneys for Plaintiffs and the Proposed Class

14 **ORDER**

15 The parties' stipulation is approved and adopted by the Court with the following revision
16 to the proposed final approval hearing date as set forth in Paragraph 4b:

17 The further final approval hearing is set for **November 14, 2012**, at 9:30 a.m. in
18 Courtroom 7 before Magistrate Judge Sheila K. Oberto.

19
20
21 IT IS SO ORDERED.

22 Dated: August 20, 2012

/s/ Sheila K. Oberto
23 UNITED STATES MAGISTRATE JUDGE