

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAFAEL MARQUEZ AMARO, JESUS ALARCON URZUA, on behalf of themselves and others similarly situated,

No. 1:14-cv-00147-DAD-SAB

**ORDER APPROVING FORM AND
MANNER OF CLASS ACTION NOTICE**

Plaintiffs,

v₃

GERAWAN FARMING, INC., a California corporation; GERA
WAN FARMING PARTNERS, INC., a California corporation; DOES 1 – 10, inclusive.

Defendants.

20 On May 20, 2016, the court granted Rafael Amaro and Jesus Alarcon Urzua's
21 ("plaintiffs") motion for class certification pursuant to Federal Rule of Civil Procedure ("FRCP")
22 23. (Doc. No. 57.) On June 3, 2016, Gerawan Farming, Inc. and Gerawan Farming Partners, Inc.
23 ("defendants") filed a motion for reconsideration. (Doc. No. 58.) The court denied the motion
24 for reconsideration on August 22, 2016 and subsequently ordered the parties to meet and confer
25 within 21 days to decide on the form and manner of class notice. (Doc. No. 67.) The parties
26 submitted a joint status report in this regard on September 12, 2016. (Doc. No. 71.)

11111

11111

1 According to the joint status report, the parties have agreed on the form of the notice.¹
2 Finding no issues with the form, the court approves it as presented in the parties' joint status
3 report. (Doc. No. 71-1.)

4 Additionally, according to their joint status report, the parties have also agreed that the
5 initial notice to the class will be conducted by a professional third-party administrator, Rust
6 Consulting, Inc. The court approves of this aspect of the proposal as well.

7 The parties also agree the notice will be translated into Spanish. However, the parties fail
8 to specify that a court certified interpreter will perform the translation. The court approves of the
9 translation of the notice into Spanish so long as that translation is done by a court certified
10 interpreter.

11 However, according to the joint status report, the parties have reached an impasse with
12 respect to timing. Plaintiffs request the court order defendants to provide the class list to Rust
13 Consulting within fourteen days of the issuance of this order. Furthermore, plaintiffs request the
14 court order Rust Consulting to mail the notice to the class members twenty-one days after receipt
15 of the class list. On the other hand, defendants urge the court to delay the issuance of any such
16 orders in light of the fact they have petitioned the Ninth Circuit Court of Appeals pursuant to
17 FRCP 23(f) for permission to appeal this court's granting of class certification.²

18 The court will not indefinitely delay the issuance of notice pending the Ninth Circuit's
19 review of defendants' petition. Rather, defendants are encouraged to file a motion for a stay if
20 that is what they desire. In order to provide defendants an opportunity to do so, the court will
21 extend the deadline to provide the class list to thirty days after issuance of this order instead of the
22 fourteen days requested by plaintiffs. The deadline for mailing notice will be set at twenty-one
23 days after provision of the class list.

24 /////
25 /////

26 ¹ The form to be used for the notice is attached as Exhibit A to the parties' Joint Status Report.
27 (Doc. No. 71-1.)

28 ² The case number for this petition is 16-80120.

1 For the reasons stated above:

2 1. The court approves the form of the notice, as set forth in Doc. No. 71-1;

3 2. The court approves the use of Rust Consulting, Inc. to conduct the notice procedure;

4 3. The court approves the translation of the notice into Spanish, provided the translation is

5 performed by a court certified translator;

6 4. The court orders defendants to provide the class list to Rust Consulting within thirty

7 days of issuance of this order; and

8 5. The court orders notice to be mailed to all class members within twenty-one days of

9 provision of the class list.

10 IT IS SO ORDERED.

11 Dated: September 15, 2016

Dale A. Troyd
12 UNITED STATES DISTRICT JUDGE

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28