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

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20 MARISOL GOMEZ and IGNACIO OSORIO,  
on behalf of themselves and others similarly  
21 situated,

22 Plaintiffs,

23 vs.

24 J. JACOBO FARM LABOR CONTRACTOR,  
INC., and Does 1 through 20, inclusive,

25 Defendants.  
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Case No. 1:15-cv-01489-AWI-BAM

**STIPULATION AND ~~PROPOSED~~ ORDER  
RE: CLASS NOTICE AND  
DISTRIBUTION PLAN**

Complaint Filed: September 30, 2015

1 Plaintiffs MARISOL GOMEZ and IGNACIO OSORIO (“Plaintiffs”), by and through his  
2 counsel of record, Mallison & Martinez and Martinez, Aguilasocho & Lynch, and Defendant J.  
3 JACOBO FARM LABOR CONTRACTOR (“J. Jacobo” or “Defendant”), by and through their  
4 counsel of record, Michael J. F. Smith, A Professional Corporation, hereby stipulate to the  
5 following, and request that the Court adopt as an order:

6 WHEREAS, the Honorable Anthony W. Ishii issued an Order Denying Defendant’s Motion  
7 for Reconsideration and Modifying the Rest Break Class Definition (Doc. 138) on July 20, 2020,  
8 requiring that the parties meet and confer regarding the submission of a stipulated class notice and  
9 distribution plan and file a stipulated class notice and distribution plan or a notice that no plan can  
10 be agreed to.

11 WHEREAS, the Parties have met and conferred and agreed upon a proposed Class Notice  
12 and agree that the notice will be translated into Spanish upon approval. A true and correct copy of  
13 the jointly proposed Class Notice is attached to this stipulation as Exhibit A.

14 NOW THEREFORE, the Parties STIPULATE as follows and respectfully request the Court  
15 adopt as an order:

- 16 1. The Court finds that the revised Class Notice attached as Exhibit A provides  
17 appropriate notice of the certified class claims in this matter.
- 18 2. The Court orders the Defendant to provide the Class List within 30 days of this Order.
- 19 3. Once the Class List is obtained, the Class Action Administrator can distribute the  
20 Class Notice within 20 days of the receipt of the Class List and finalized notice  
21 documents.
- 22 4. Each class member shall have 45 days to exclude himself or herself from the class  
23 action.  
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Dated: August 10, 2020

**MALLISON & MARTINEZ**

By: /s/ Natalia Ramirez Lee  
Natalia Ramirez Lee

Dated: August 10, 2020

**MICHAEL J.F. SMITH, A PROFESSIONAL CORP.**

By: /s/John L. Migliazzo  
John L. Migliazzo

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**PROPOSED ORDER**

IT IS HEREBY ORDERED that the parties' stipulation (Doc. No. 140) is approved as follows:

1. The Court finds that the Class Notice attached as Exhibit A (Doc. No. 140-1) provides appropriate notice of the certified class claims in this matter.
2. The Court orders Defendant to provide the Class List within 30 days of this Order.
3. Once the Class List is obtained, the Class Action Administrator can distribute the Class Notice within 20 days of the receipt of the Class List and finalized notice documents.
4. Each class member shall have 45 days to exclude himself or herself from the class action.

IT IS SO ORDERED.

Dated: December 8, 2020

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE