



1 THE COURT HEREBY MAKES THE FOLLOWING DETERMINATIONS AND  
2 ORDERS:

3 The Court finds on a preliminary basis that the Agreement, filed and incorporated herein  
4 by this reference and made a part of this Preliminary Approval Order, appears to be within the  
5 range of reasonableness of a settlement which could ultimately be given final approval by this  
6 Court; it further appears to the Court on a preliminary basis that the settlement amount is fair and  
7 reasonable to Class Members when balanced against the probable outcome of further litigation  
8 relating to liability and damages issues and potential appeal of rulings; it further appears that  
9 significant discovery, investigation, research and litigation have been conducted such that counsel  
10 for the parties at this time are able to reasonably evaluate their respective positions; it further  
11 appears that settlement at this time will avoid substantial costs, delay and risks that would be  
12 presented by the further prosecution of the litigation; it further appears that the proposed  
13 Settlement has been reached as the result of intensive, serious and non-collusive negotiations  
14 between the parties;

15 ACCORDINGLY, GOOD CAUSE APPEARING, THE MOTION FOR PRELIMINARY  
16 APPROVAL ORDER IS HEREBY GRANTED, THE CLASS IS CERTIFIED FOR  
17 SETTLEMENT PURPOSES ONLY, MEANING THIS CERTIFICATION WILL HAVE NO  
18 BINDING EFFECT SHOULD THE SETTLEMENT LATER BE DENIED, PLAINTIFFS  
19 EDGAR ARCE AND CESAR RODRIGUEZ ARE APPOINTED CLASS REPRESENTATIVES  
20 AND CHARLES KELLY OF HERSH & HERSH, DELLA BARNETT OF CALIFORNIA  
21 RURAL LEGAL ASSISTANCE FOUNDATION, AND MATTHEW D. CARLSON OF  
22 CARLSON LEGAL SERVICES ARE CONDITIONALLY APPOINTED AS CLASS  
23 COUNSEL.

24 Consistent with the definitions provided in the Agreement, the Class includes all  
25 employees of Mexican national origin who were employed by Defendants for any period of time  
26 from August 10, 2011 through May 7, 2012 at Defendants' 4075 Oren Avenue, Corning, CA  
27 96021 location. The "Class", "Classes" and "Class Members" include Class Members who do not  
28 properly exclude themselves from the terms of the Settlement. Further, the Court finds that the

1 proposed Settlement Administrator, Simpluris, Inc., is an adequate Claims Administrator, and the  
 2 proposed Notice of Pendency of Class Action and Proposed Settlement (“Class Notice”), which  
 3 advises the Class Members of the Preliminary Approval of the Settlement, the “Opt-Out” timing  
 4 and procedures, the timing and procedures for submitting a claim, and the date of the Final  
 5 Settlement Hearing, substantially in the form attached to the Agreement as Exhibit 2 and  
 6 incorporated herein by this reference and made a part of this Preliminary Approval Order, fairly  
 7 and adequately advises Class Members of the terms of the proposed Settlement and the benefits  
 8 available to Class Members, as well as their right to “Opt-Out” and procedures for doing so, and  
 9 of the formal Final Settlement Hearing date and time and the right of Class Members to file  
 10 documentation in support of or in opposition to the Settlement, and procedures for appearing at  
 11 said hearing; the Court further finds that said Notice clearly comports with all constitutional  
 12 requirements, including those of due process; the Court further finds that the proposed Class  
 13 Notice and the Claim Form, are reasonable and adequate and will likely assist Class Members in  
 14 the claims process;

15 ACCORDINGLY, GOOD CAUSE APPEARING, THE COURT HEREBY APPROVES  
 16 THE PROPOSED CLAIMS ADMINISTRATION PROCESS, THE PROPOSED NOTICE OF  
 17 CLASS ACTION AND PROPOSED SETTLEMENT, AND THE CLAIM FORM.

18 Mailing to the present or last known address of present and former employees and an  
 19 address update search for Class Members constitute an effective method of notifying Class  
 20 Members of their rights with respect to the Class Action and Settlement;

21 ACCORDINGLY, IT IS HEREBY ORDERED THAT THE PROCEDURES SET  
 22 FORTH IN THE AGREEMENT AND THE FOLLOWING SCHEDULE BE ESTABLISHED  
 23 AND FOLLOWED, UNLESS MODIFIED BY THE COURT:

Event	Timing
Defendants provide list of Class Members to the Claims Administrator.	15 calendar days after Preliminary Approval
Claims Administrator mails Notice Packet (Notice & Claim Form) to Class Members.	21 calendar days after Preliminary Approval
Claims Submission Deadline and Opt-Out Deadline.	60 calendar days after mailing of Notice Packet by Claims Administrator

1	Objection Deadline	60 calendar days after mailing of Notice Packet by Claims Administrator
2	Claims Administrator provides declaration of Mailing Class Notice and Claim Form.	16 court days before Fairness Hearing
3	Defendants files Motion for Final Approval and Plaintiffs file Motion for Attorneys' Fees, Costs, and Incentive Payments	16 court days before Fairness Hearing
4	Final Approval Hearing.	Approximately 100 calendar days after Preliminary Approval
5	Defendants pay all sums under the settlement as specified.	10 calendar days after the Effective Date
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8 IT IS FURTHER ORDERED that no person, except Class Counsel and Counsel for  
 9 Defendants, shall be heard in opposition to the Court's determination of the good faith, fairness,  
 10 reasonableness and adequacy of the proposed Settlement, the requested attorneys' fees and costs,  
 11 and any Order of Dismissal with Prejudice and Final Judgment regarding such Settlement, unless  
 12 such person has complied with the conditions set forth in the Notice of Pendency of Class Action  
 13 and Proposed Settlement, which conditions are incorporated herein.

14 IT IS FURTHER ORDERED all briefs supporting or opposing the Settlement shall be  
 15 served and filed in accordance with the above schedule.

16 IT IS FURTHER ORDERED that if, for any reason, the Court does not execute and file  
 17 an Order of Dismissal with Prejudice and Final Judgment, or if the "Effective Date" of  
 18 Settlement, as defined in the Agreement, does not occur for any reason whatsoever, the proposed  
 19 Agreement, and all evidence and proceedings had in connection therewith, shall be without  
 20 prejudice to the status quo and the rights of the parties to the litigation, as more specifically set  
 21 forth in the Agreement.

22 IT IS FURTHER ORDERED that, pending further order of this Court, all proceedings in  
 23 this matter, except those contemplated herein and in the Agreement, are stayed. The Court  
 24 expressly reserves the right to adjourn or continue the Final Approval Hearing from time to time  
 25 without further notice to Class Members.

26 IT IS FURTHER ORDERED that to facilitate administration of this Settlement, the Court  
 27 hereby enjoins all Plaintiffs, including Named Plaintiffs, from filing or prosecuting any claims,  
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1 cases, suits or administrative proceedings regarding claims released by this Settlement unless and  
2 until such Plaintiffs have filed valid written requests for exclusion with the Settlement  
3 Administrator.

4 IT IS FURTHER ORDERED that the Final Approval Hearing shall be held before the  
5 undersigned on November 5, 2014 at 9:30 a.m. in Courtroom 6, located at the Robert I. Matsui  
6 United States Courthouse, 501 I Street, 14th Floor, Sacramento, California, to consider the  
7 fairness, adequacy and reasonableness of the proposed Settlement, preliminarily approved by this  
8 Preliminary Approval Order, and to consider the application of Class Counsel, Charles Kelly of  
9 Hersh & Hersh, Christina Medina of California Rural Legal Assistance Foundation, and Matthew  
10 Carlson of Carlson Legal Services for an award of attorneys' fees and costs incurred, and the  
11 request for a Class Representative Service Fee for Plaintiffs EDGAR ARCE and CESAR  
12 RODRIGUEZ.

13 IT IS SO ORDERED.

14 DATED: July 23, 2014

15 /s/ John A. Mendez  
16 UNITED STATES DISTRICT COURT JUDGE

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