

FILED
KERN COUNTY SUPERIOR COURT
05/31/2022

BY Delgado, Erika
DEPUTY

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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF KERN**

9 DOMINGO MUNOZ MORALES, as an
10 individual and on behalf of all others similarly
11 situated,

12 Plaintiff,

13 vs.

14 JUAN CARLOS ARRELLANO MEDINA, dba
CYPRESS FLC, an individual; CASTLEROCK
15 FARMING, LLC, a California Limited Liability
Company; CASTLEROCK FARM HOLDINGS,
16 LLC, a California Limited Liability Company;
CASTLEROCK FARMING AND
17 TRANSPORT, LLC, a California Limited
Liability Company; and DOES 1 through 100,
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19 Defendants.
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Case No.: BCV-20-102941

[Assigned to for all purposes to the Hon. J.
Eric Bradshaw]

**[PROPOSED] ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: May 31, 2022
Time: 8:30 a.m.
Div.: J

Complaint Filed: December 16, 2020
Trial Date: None Set

1 The unopposed motion of Plaintiff Domingo Munoz Morales (“Plaintiff”) for Preliminary
2 Approval of Class Action Settlement came on regularly for hearing before this Court on May 31,
3 2022, at 8:30 a.m. The Court, having considered the proposed Stipulation of Settlement (the
4 “Settlement”), attached as Exhibit A to the Declaration of Daniel J. Brown (“Brown Decl.”) filed
5 concurrently herewith; having considered Plaintiff’s Motion for Preliminary Approval of Class
6 Action Settlement, Memorandum of Points and Authorities in support thereof, and supporting
7 declarations filed therewith; and good cause appearing, **HEREBY ORDERS THE FOLLOWING:**

8 1. The Court GRANTS preliminary approval of the class action settlement as set
9 forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement
10 that ultimately could be granted approval by the Court at a Final Fairness Hearing. For purposes
11 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
12 there is a sufficiently well-defined community of interest among the members of the Settlement
13 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
14 conditional certification of the following Settlement Class:

15 All persons employed by Juan Carlos Arrellano Medina dba Cypress
16 FLC who worked at least one shift performing work for Castlerock
17 Farming, LLC, Castlerock Farm Holdings, LLC, and/or Castlerock
18 Farming Transport, LLC (collectively “Defendants”) in California as
19 non-exempt employees subject to the requirements of Wage Order 14
20 from December 16, 2016 through May 16, 2022 (“Settlement Class”
21 or “Settlement Class Members”).

22 2. For purposes of the Settlement, the Court designates named Plaintiff Domingo
23 Munoz Morales as Class Representative, and Daniel J. Brown of Stansbury Brown Law, PC as
24 Class Counsel.

25 3. The Court designates Phoenix Settlement Administrators as the third-party
26 Settlement Administrator for mailing notices.

27 4. The Court approves, as to form and content, the Notice of Pendency of Class
28 Action and Proposed Settlement (“Class Notice”), Request for Exclusion Form, and Objection
Form, attached as Exhibits B, C, and D respectively to the Brown Decl.

 5. The Court finds that the form of notice to the Settlement Class regarding the

1 pendency of the action and of the Settlement, and the methods of giving notice to members of the
2 Settlement Class constitute the best notice practicable under the circumstances, and constitute
3 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
4 giving notice complies fully with the requirements of California Code of Civil Procedure section
5 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California
6 and United States Constitutions, and other applicable law.

7 6. The Court further approves the procedures for Class Members to opt out of or
8 object to the Settlement, as set forth in the Class Notice.

9 7. The procedures and requirements for filing objections in connection with the Final
10 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
11 presentation of any Class Member's objection to the Settlement, in accordance with the due
12 process rights of all Class Members.

13 8. The Court directs the Settlement Administrator to mail the Class Notice, Request
14 for Exclusion Form, and Objection Form to the members of the Settlement Class in Spanish and
15 English in accordance with the terms of the Settlement. The Court directs the Settlement
16 Administrator to carry out all duties as required by the Settlement.

17 9. The Class Notice Packet shall provide at least 60 calendar days' notice for Class
18 Members to opt out of, or object to, the Settlement. Any Request for Exclusion or Objection shall
19 be submitted directly to the Settlement Administrator and not filed with the Court. Upon receipt
20 of any Requests for Exclusion or Objections, the Settlement Administrator shall forward copies
21 of all Requests for Exclusion or Objections to counsel for all Parties. The Settlement
22 Administrator shall file a declaration concurrently with the filing of the Motion for Final Approval
23 of Class Action Settlement which authenticates a copy of every Request for Exclusion and
24 Objection received by the Settlement Administrator.

25 10. The Final Fairness Hearing on the question of whether the Settlement should be
26 finally approved as fair, reasonable, and adequate is scheduled in Division J of this Court, located
27 at 1415 Truxtun Avenue, Bakersfield, California 93301, on October ____, 2022 at 8:30 a.m.

28 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement

1 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
2 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's
3 application for reasonable attorneys' fees, reimbursement of litigation expenses, Enhancement
4 Payment to Plaintiff, and payment to the Labor and Workforce Development Agency ("LWDA")
5 for penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

6 12. Counsel for the Parties shall file memoranda, declarations, or other statements and
7 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
8 expenses, Plaintiff's Enhancement Payment, settlement administration costs, and payment to the
9 LWDA for PAGA penalties prior to the Final Fairness Hearing according to the time limits set
10 by the Code of Civil Procedure and the California Rules of Court.

11 13. An implementation schedule is below:

Event	Date
Defendants to provide Class Data to Settlement Administrator no later than [10 business days after preliminary approval]:	June 14, 2022
Settlement Administrator to mail Class Notice, Request for Exclusion and Objection Form to Class Members no later than [20 business days after receiving class data]:	July 13, 2022
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement [approximately 60 days after mailing]:	September 12, 2022
Final Fairness Hearing:	October <u>31</u> , 2022, 8:30 a.m.

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19 14. Pending the Final Fairness Hearing, all proceedings in this action, other than
20 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
21 Order, are stayed.

22 15. Counsel for the Parties are hereby authorized to utilize all reasonable procedures
23 in connection with the administration of the Settlement which are not materially inconsistent with
24 either this Order or the terms of the Settlement.

25 **IT IS SO ORDERED.**

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27 Dated: May 31, 2022



Signed: 5/31/2022 02:28 PM

Honorable J. Eric Bradshaw
Judge of the Superior Court