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**FILED**

SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA  
**06/02/2020**

Darrel E. Parker, Executive Officer  
BY Allain, Kelley  
Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA**

FERNANDO FLORES, as an individual and on behalf of all others similarly situated,

Plaintiff,

vs.

SANTA BARBARA FARMS, LLC, a California limited liability company; and DOES 1 through 100, inclusive,

Defendants.

Case No. 18CV05366

*[Assigned for all purposes to Hon. James F. Rigali, Dept. SM2]*

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

Date: June 2, 2020  
Time: 8:30 a.m.  
Dept.: SM2

Complaint Filed: October 29, 2018  
Trial Date: None Set

1           The Motion of Plaintiff Fernando Flores (“Plaintiff”) for Preliminary Approval of Class Action  
2 Settlement (“Motion”) came on regularly for hearing before this Court on June 2, 2020 at 8:30 a.m. in  
3 Department SM2. The Court, having considered the proposed Stipulation of Settlement (the  
4 “Settlement”), attached as Exhibit 1 to the Declaration of Scott M. Lidman filed concurrently with the  
5 Motion; having considered Plaintiff’s Motion, Memorandum of Points and Authorities in support  
6 thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS  
7 THE FOLLOWING:

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

15                   All current and former non-exempt, hourly, employees who worked for  
16 Defendant Santa Barbara Farms, LLC and who were classified as harvesting  
17 employees and/or irrigation employees in California from October 29, 2014  
18 through the date the Court enters the order granting preliminary approval.

19           2. For purposes of the Settlement, the Court designates named Plaintiff Fernando Flores  
20 as Class Representative, and designates Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of  
21 Lidman Law, APC and Paul K. Haines of Haines Law Group, APC as Class Counsel.

22           3. The Court designates Phoenix Settlement Administrators (“Phoenix”) as the third-party  
23 Settlement Administrator for mailing notices.

24           4. The Court approves, as to form and content, the Notice of Pendency of Class Action  
25 and Proposed Settlement and Notice of Settlement Award attached to the Settlement as Exhibit A.

26           5. The Court finds that the form of notice to the Settlement Class regarding the pendency  
27 of the action and of the Settlement, and the methods of giving notice to Settlement Class members,  
28 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient  
notice to all members of the Settlement Class. The form and method of giving notice complies fully  
with the requirements of California Code of Civil Procedure section 382, California Civil Code section

1 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and  
2 other applicable law.

3 6. The Court further approves the procedures for Settlement Class members to opt out of  
4 or object to the Settlement, as set forth in the Notice of Pendency of Class Action and Proposed  
5 Settlement.

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

10 8. The Court directs the Settlement Administrator to mail the Notice of Pendency of Class  
11 Action and Proposed Settlement and Notice of Settlement Award to all of the Class members in  
12 accordance with the terms of the Settlement.

13 9. The Class Notice shall provide at least 45 calendar days' notice for Settlement Class  
14 members to opt out of, or object to, the Settlement.

15 10. The Final Fairness Hearing on the question of whether the Settlement should be finally  
16 approved as fair, reasonable, and adequate is scheduled in Department SM2 of this Court, located at  
17 312 East Cook Street, Santa Maria, California 93454 on \_\_\_\_\_, 2020 at \_\_\_\_\_ a.m./  
18 p.m.

19 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement  
20 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a  
21 judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's  
22 application for reasonable attorneys' fees, reimbursement of litigation expenses, service award to  
23 Plaintiff, and payment to the Labor and Workforce Development Agency ("LWDA") for penalties  
24 under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

25 12. Counsel for the parties shall file memoranda, declarations, or other statements and  
26 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation  
27 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA for  
28 PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of

1 Civil Procedure and the California Rules of Court.

2 13. An implementation schedule is below:


3 <b>Event</b>	<b>Date</b>	Actual Date <sup>1</sup>
4 Defendant to provide Class Data to Settlement Administrator	15 business days after issuance of the preliminary approval order	June 23, 2020
5 Settlement Administrator to mail Notice Packets to Class Members	10 business days after receiving Class Information from Defendant	July 8, 2020
6 Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	45 calendar days after mailing of the Notice by the Settlement Administrator	August 24, 2020 <sup>2</sup>
8 Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	16 Court days before the Final Fairness Hearing	
10 Final Fairness Hearing:	<u>October 13 @ 8:30</u> , 2020	

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

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

17 **IT IS SO ORDERED.**

18 Dated: **06/02/2020**, 2020

19   
20 Honorable James F. Rigali  
21 Judge of the Superior Court

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27 <sup>1</sup> These dates are based on the Court granting preliminary approval at the hearing, currently noticed for June 2, 2020.

28 <sup>2</sup> Plaintiff recognizes that 45 calendar days would be Saturday, August 22, 2020. Therefore, Plaintiff calendared this deadline for the next business day, Monday, August 24, 2020.

**PROOF OF SERVICE**

*Fernando Flores v. Santa Barbara Farms, LLC*  
San Diego County Superior Court Case No. 18CV05366

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2155 Campus Drive, Suite 150, El Segundo, California 90245.

On June 9, 2020, I served the foregoing document(s) described as **ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the interested party(ies) in this action as follows:

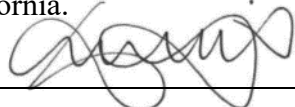
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(BY MAIL) I am "readily familiar" with Lidman Law, APC's practice of collection and processing correspondence for mailing. I enclosed the document(s) in a sealed envelope or package addressed to the persons at the address(es) listed above. Under the practice the correspondence would be deposited with the U.S. postal service on the same day with postage thereof fully prepaid at El Segundo, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage date is more than one day after date of deposit for mailing in affidavit.

(BY ELECTRONIC SERVICE) I caused a true and correct copy of the document(s) described above to be electronically served via One Legal on counsel of record at the e-mail addresses denoted on the case's Electronic Service List.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 9, 2020, at El Segundo, California.

  
\_\_\_\_\_  
Dana Joudi