

LIDMAN LAW, APC
Scott M. Lidman (SBN 199433)
slidman@lidmanlaw.com
Elizabeth Nguyen (SBN 238571)
enguyen@lidmanlaw.com
Milan Moore (SBN 308095)
mmoore@lidmanlaw.com
Romina Tamiry (SBN 328420)
rtamiry@lidmanlaw.com
2155 Campus Drive, Suite 150
El Segundo, California 90245
Tel: (424) 322-4772
Fax: (424) 322-4775

Attorneys for Plaintiff
BERNARDO SANTOS

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiff
BERNARDO SANTOS

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

BERNARDO SANTOS , as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

TORRES FARM LABOR CONTRACTOR,
INC., a California corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No.: BCV-19-102470

*[Assigned for All Purposes to the Hon. Bernard
C. Barmann, Jr. Dept. 10]*

**~~[AMENDED PROPOSED]~~ ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT, CLASS
REPRESENTATIVE'S SERVICE AWARD,
AND ATTORNEYS' FEES AND COSTS**

Date: July 12, 2021
Time: 8:30 a.m.
Dept.: 10

Complaint Filed: August 30, 2019
Trial Date: None Set

1 The Motion of Plaintiff Bernardo Santos (“Plaintiff”) for Preliminary Approval of Class
2 Action Settlement (“Motion”) came on regularly for hearing before this Court on July 12, 2021 at
3 8:30 a.m. in Department 18. The Court, having considered the proposed Stipulation of Settlement
4 (the “Settlement”), attached as Exhibit 1 to the Declaration of Elizabeth Nguyen filed concurrently
5 with the Motion; having considered Plaintiff’s Motion, Memorandum of Points and Authorities
6 in support thereof, and supporting declarations filed therewith; and good cause appearing,
7 **HEREBY ORDERS THE FOLLOWING:**

8 1. Effective July 12, 2021, the Court GRANTS preliminary approval of the class action
9 settlement as set forth in the Settlement and finds it terms to be within the range of reasonableness
10 of a settlement that ultimately could be granted approval by the Court at a Final Fairness Hearing.
11 For purposes of the Settlement, the Court finds that the proposed Settlement Class is ascertainable
12 and that there is a sufficiently well-defined community of interest among the members of the
13 Settlement Class in questions of law and fact. Therefore, for settlement purposes only, the Court
14 grants conditional certification of the following Settlement Class:

15 All current and former non-exempt, hourly, employees of Defendant Torres
16 Farm Labor Contractor, Inc. who worked at Grimmway Enterprises, Inc.
17 and related entities’ facilities (including, but not limited to, Grimmway
18 Enterprises, Inc. aka Grimmway Farms and Cal-Organic Farms) in
California at any time between August 29, 2015 and May 1, 2021.

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

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

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

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

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

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

15 8. The Court directs the Settlement Administrator to mail the Notice of Pendency of
16 Class Action and Proposed Settlement and Notice of Individual Settlement Award to all of the
17 Class members in accordance with the terms of the Settlement.

18 9. The Class Notice shall provide at least 60 calendar days’ notice for Settlement
19 Class members to opt out of, or object to, the Settlement.

20 10. The Final Fairness Hearing on the question of whether the Settlement should be
21 finally approved as fair, reasonable, and adequate is scheduled in Department 10 of this Court,
22 located at 1415 Truxtun Ave., Bakersfield, California 93301 on **January 14, 2022 at 8:30 a.m.**

23 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
24 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
25 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff’s
26 application for reasonable attorneys’ fees, reimbursement of litigation expenses, service award to
27 Plaintiff, and payment to the Labor and Workforce Development Agency (“LWDA”) for penalties
28

1 under the Labor Code Private Attorneys General Act (“PAGA”) should be granted.

2 12. Counsel for the parties shall file memoranda, declarations, or other statements and
3 materials in support of their request for final approval of the Settlement, attorneys’ fees, litigation
4 expenses, Plaintiff’s service award, settlement administration costs, and payment to the LWDA
5 for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the
6 Code of Civil Procedure and the California Rules of Court.

7 13. An implementation schedule is below:

8 Event	Date	Actual Date ¹
9 Defendant to provide Class Data 10 to Settlement Administrator	20 calendar days after the Court enters an order granting preliminary approval.	August 30, 2021
11 Settlement Administrator to mail Notice Packets to Class Members	20 business days after receiving Class Data from Defendant	September 28, 2021
12 Deadline for Class Members to 13 request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator	November 29, 2021 ²
14 Deadline for Plaintiff to file 15 Motion for Final Approval of Class Action Settlement (and to 16 respond to any objections):	16 Court days before the Final Fairness Hearing	
17 Final Fairness Hearing:	January 14, 2022 at 8:30 a.m.	

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

21 //

22 //


23
24
25
26 ¹ The first three dates in this schedule are based on the Court signing this Order on August 10, 2021. If the Court
signs the Order on a different date, these three deadlines will be adjusted accordingly.

27 ² Plaintiff recognizes that 60 calendar days after September 28, 2021 would be Saturday, November 27, 2021.
Therefore, this deadline is calendared for the next business day, Monday, November 29, 2021.

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

4 **IT IS SO ORDERED.**

5
6 Dated: Signed: 8/13/2021 01:49 PM, 2021


Honorable Bernard C. Barmann, Jr.
Judge of the Superior Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
Bernardo Santos v. Torres Farm Labor Contractor, Inc.
Kern County Superior Court Case No. BCV-19-102470

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.

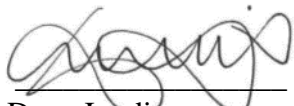
On August 4, 2021, I served the foregoing document(s) described as:
[AMENDED PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT, CLASS REPRESENTATIVE’S SERVICE AWARD, AND ATTORNEYS’ FEES AND COSTS
on the interested party(ies) in this action as follows:

Thomas P. Feher, Esq.
tfeher@lebeauthelen.com
LeBeau Thelen, LLP
5001 E. Commercenter Drive, Ste. 300
P.O. Box 12092
Bakersfield, CA 93389-2092

(BY ELECTRONIC SERVICE) Electronic Filing through One Legal, an electronic filing system of the Kern County Superior Court, pursuant to Local Rules, which will send notification of such filing to 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 August 4, 2021 at El Segundo, California.



Dana Joudi