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FILED  
TULARE COUNTY SUPERIOR COURT  
VISALIA DIVISION

JAN 28 2022

STEPHANIE CAMERON, CLERK

BY: \_\_\_\_\_

Leticia Hernandez-Sandoval

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF TULARE

10 JUVENAL GAONA VARGAS, as an  
11 individual and on behalf of all others similarly  
12 situated,

13 Plaintiff,

14 vs.

15 CAL-CITRUS LABOR SERVICE, INC., a  
16 California corporation; CECILIA PACKING  
17 CORPORATION, a California corporation;  
18 FANCHER CREEK PACKING, INC., a  
19 California corporation; VISALIA CITRUS  
20 PACKING GROUP, INC., a California  
21 corporation; and DOES 1 through 100,

22 Defendants.

Case No.: VCU282013

[Assigned for all purposes to the Hon.  
Nathan D. Ide, Dept. 02]

REVISED ~~PROPOSED~~ ORDER  
GRANTING PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT

Date: January 26, 2022

Time: 8:30 a.m.

Dept.: 02

Complaint Filed: February 7, 2020

Trial Date: None Set

BY FAX

1 The unopposed motion of Plaintiff Juvenal Gaona Vargas ("Plaintiff") for Preliminary  
2 Approval of Class Action Settlement came on regularly for hearing before this Court on January  
3 26, 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 on January 5, 2022; 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 current and former non-exempt employees of Defendant Cal-  
16 Citrus Labor Service, Inc. in California who were subject to Wage  
17 Order 14 and performed work for five days or more for Defendants  
18 Cecelia Packing Corporation, and/or Fancher Creek Packing, Inc.  
and/or Visalia Citrus Packing Group, Inc., at any time during the  
period of February 7, 2016, to April 26, 2021. ("Settlement Class" or  
"Settlement Class Members").

19 2. For purposes of the Settlement, the Court designates named Plaintiff Juvenal  
20 Gaona Vargas as Class Representative, and Daniel J. Brown of Stansbury Brown Law, as Class  
21 Counsel.

22 3. The Court designates Phoenix Settlement Administrators 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  
25 Action and Proposed Settlement ("Class Notice"), Request for Exclusion Form, and Objection  
26 Form, attached as Exhibits B, C, and D respectively to the Brown Decl.

27 5. The Court finds that the form of notice to the Settlement Class regarding the  
28

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 in both the English and Spanish language to the  
15 members of the Settlement Class in accordance with the terms of the Settlement. The Court directs  
16 the Settlement 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 Court directs that the any funds payable to Settlement Class Members whose  
26 checks are not negotiated within one hundred eighty (180) days will not be reissued and will be  
27 treated as unclaimed settlement proceeds. Unclaimed settlement proceeds, if any, will be  
28 distributed to the California Controller's Office Unclaimed Property Division, with an

1 identification of the Settlement Class Member to whom the funds belong, in accordance with  
2 California Code of Civil Procedure section 384.

3 11. The Final Fairness Hearing on the question of whether the Settlement should be  
4 finally approved as fair, reasonable, and adequate is scheduled in Department 02 of this Court,  
5 located at 221 S. Mooney Blvd., Visalia, California 93291, on May 23, 2022 at 8:30 a.m., a date  
6 and time that has already been reserved with the Court Clerk.

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

13 13. The Court has not made a finding regarding the reasonableness of Plaintiff's  
14 request for attorneys' fees and reimbursement of litigation expenses. Plaintiff shall file as part of  
15 his Motion for Final Approval of Class Action Settlement a sworn declaration from Plaintiff's  
16 Counsel attesting to the amount of hours Plaintiff's Counsel reasonably expended on this case,  
17 support by an authenticated copy of time records maintained by Plaintiff's counsel for the services  
18 performed in this case to assist the Court in determining the reasonableness of the attorneys' fees  
19 request.

20 14. Counsel for the Parties shall file memoranda, declarations, or other statements and  
21 materials in supported of their request for final approval of the Settlement, attorneys' fees,  
22 litigation expenses, Plaintiff's Enhancement Payment, settlement administration costs, and  
23 payment to the LWDA for PAGA penalties prior to the Final Fairness Hearing according to the  
24 time limits set by the Code of Civil Procedure and the California Rules of Court.

25 15. An implementation schedule is below:

Event	Date
Defendants to provide Class Data to Settlement Administrator no later than [15 days after preliminary approval]:	February 10, 2022

Settlement Administrator to mail Class Notice, Request for Exclusion and Objection Form to Class Members no later than [7 days after receiving class data]:	February 17, 2022
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement [60 days after mailing]:	April 18, 2022
Final Fairness Hearing:	May 23, 2022

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

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

**IT IS SO ORDERED.**

Dated: January 28, 2022

**NATHAN D IDE**

Honorable Nathan D. Ide  
Judge of the Superior Court

1  
2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA )  
4 ) ss.  
5 COUNTY OF LOS ANGELES )

6 I am employed in the County of Los Angeles, State of California. I am over the age of  
7 18 years and not a party to the within action; my business address is 2610 ½ Abbot Kinney  
8 Blvd. Venice, CA 90212

9 On January 27, 2022, I served the document listed below on the parties in this action as  
10 follows:

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

- 13 ☐ (BY MAIL) I placed such envelope on the above date, with postage fully prepaid, for  
14 deposit in the U.S. Postal Service at my place of business at Venice, California,  
15 following the ordinary business practices of my place of business. I am readily familiar  
16 with the business practice at my place of business for collection and processing of  
17 correspondence for mail with the U.S. Postal Service. Under that practice, such  
18 correspondence is deposited with the U.S. Postal Service the same day it is collected  
19 and processed in the ordinary course of business.
- 20 X (BY EMAIL) In accordance with California Code of Civil Procedure section 1010.6 in  
21 compliance with the Judicial Council's Appendix I, Emergency Rules Related to  
22 Covid-19, Emergency Rule 12, I caused to be transmitted the document(s) described  
23 herein via the email address(s) listed on the attached service list.
- 24 X (STATE) I declare under penalty of perjury under the laws of the State of California  
25 that the above is true and correct.

26 Executed on January 27, 2022 at Venice, California.

27 

28 Daniel J. Brown

**SERVICE LIST**

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Attorneys for Defendants Cecelia Packing Corporation; Fancher Creek Packing, Inc., and; Visalia Citrus Packing Group, Inc.

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Fresno, CA 93720

Attorneys for Defendant Cal-Citrus Labor Servie, Inc.