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FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE

03/08/2022

STEPHANIE CAMERON, CLERK  
Marcella Hernandez, Deputy

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

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

12 Plaintiff,

13 vs.

14 JOE CARMONA dba J S J LABOR SERVICE,  
15 an individual; KLINK CITRUS  
16 ASSOCIATION, a California corporation; and  
17 DOES 1 through 100,

18 Defendants.

Case No.: VCU282081

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

19 **REVISED [PROPOSED] ORDER**  
20 **GRANTING PRELIMINARY APPROVAL**  
21 **OF CLASS ACTION SETTLEMENT**

22 Date: February 28, 2022  
23 Time: 8:30 a.m.  
24 Dept.: 02

25 Complaint Filed: February 13, 2020  
26 Trial Date: None Set

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BOX  
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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 February  
3 28, 2022, at 8:30 a.m. The Court, having considered the proposed Stipulation of Settlement (the  
4 "Settlement"), attached as Exhibit 1 to the Supplemental Declaration of Daniel J. Brown filed  
5 concurrently herewith ("Brown Decl."); having considered Plaintiff's Motion for Preliminary  
6 Approval of Class Action Settlement, Memorandum of Points and Authorities in support thereof,  
7 and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE  
8 FOLLOWING:

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

16 All current and former non-exempt employees of Defendant Joe  
17 Carmona dba J S J Labor Service who performed work for Defendant  
18 Klink Citrus Association in California at any time during the period of  
19 February 13, 2016, through October 24, 2021 ("Settlement Class" or  
20 "Settlement Class Members").

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

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

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

5. The Court finds that the form of notice to the Settlement Class regarding the  
pendency of the action and of the Settlement, and the methods of giving notice to members of the

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

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

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

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

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

24 10. The Final Fairness Hearing on the question of whether the Settlement should be  
25 finally approved as fair, reasonable, and adequate is scheduled in Department 2 of this Court,  
26 located at 221 South Mooney Blvd., Visalia, California 93291, on June 27, 2022 at 8:30 a.m., a  
27 date and time which has already been reserved with the Court's Clerk.

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
Defendant to provide class list information to Settlement Administrator no later than [14 days after preliminary approval]:	March 14, 2022
Settlement Administrator to mail Class Notice, Request for Exclusion and Objection Form to Class Members no later than [7 days after receiving class list information]:	March 21, 2022
Deadline for Settlement Class Members to request exclusion from, or object to, the Settlement [60 days after mailing]:	May 20, 2022
Final Fairness Hearing:	June 27, 2022

19 14. Pending the Final Fairness Hearing, all proceedings in this action, including class  
20 certification and discovery deadlines, other than proceedings necessary to carry out or enforce the  
21 terms and conditions of the Settlement and this 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.**

26 Dated: HD, 2022



Honorable Nathan D. Ide  
Judge of the Superior Court

**RECEIVED**  
TULARE COUNTY SUPERIOR COURT  
VISALIA DIVISION

**FEB 03 2022**

**STEPHANIE CAMERON, CLERK**

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

*Stephanie Cameron*