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FILED
 KERN COUNTY SUPERIOR COURT
 07/14/2022
 BY Sayabuaovong, Suzanne
 DEPUTY

7 Attorneys for Plaintiff Maria Bacerra
 8 individually and on behalf of all others
 9 similarly situated

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 12 COUNTY OF KERN, METROPOLITAN DIVISION

14 MARIA BACERRA, individually and on
 15 behalf of all others similarly situated,

16 Plaintiff,

17 vs.

18 SUNRIDGE NURSERIES, INC. a California
 19 corporation, GLEN STROLLER, an
 20 Individual, and DOES 1 through 20, inclusive;

21 Defendants.

CASE NO. BCV-19-102625

**[PROPOSED] ORDER: PLAINTIFF'S
 NOTICE OF MOTION AND
 MOTION FOR PRELIMINARY
 APPROVAL OF CLASS ACTION
 SETTLEMENT**

Date: July 14, 2022
 Time: 8:30 a.m.
 Division: J

1 This matter came on for hearing on July 14, 2022 at 8:30 a.m., in the above-entitled court
2 located at 1215 Truxtun Ave Bakersfield, CA 93301, on the Motion for Preliminary Approval of
3 Class Action Settlement. Having fully reviewed and considered the moving papers, and having
4 analyzed the Class Action Settlement Agreement (“Settlement Agreement”) between Plaintiff
5 Maria Bacerra (“Plaintiff”) and Defendants Sunridge Nurseries, Inc. and Glen Stroller
6 (collectively “Defendants”), attached as Exhibit “A” to the Declaration of Daniel J. Bass.

7 **THIS COURT HEREBY MAKES THE FOLLOWING ORDERS:**

8 1. This Court hereby preliminarily approves the proposed Settlement Agreement, as
9 amended, as being fair, reasonable, and adequate.

10 2. All defined terms contained herein shall have the same meanings as those set forth
11 in the Settlement Agreement.

12 3. The Class Notice, attached as Exhibit “1” to Exhibit “A” of the Declaration of
13 Daniel J. Bass, is hereby approved.

14 4. The Court finds that the distribution of the Class Notice in the manner set forth
15 herein substantially meets the requirements of California law and due process, is the best notice
16 practicable under the circumstances, and shall constitute due and sufficient notice to all persons
17 entitled thereto.

18 5. Solely for the purposes of the proposed settlement, the following class is hereby
19 provisionally certified pursuant to California Code of Civil Procedure section 382 as follows:

20 The “Class” or “Settlement Class” shall mean all current and former
21 non-exempt field or nursery employees employed by Defendant
22 Sunridge Nurseries, Inc. in California at anytime from September 16,
23 2015 to the date the Court has given preliminary approval of the
24 Class Settlement.

25 6. Solely for the purposes of the proposed settlement, the Court does hereby
26 preliminarily approve Ronald W. Makarem, Cameron Stewart, and Daniel J. Bass of Makarem &
27 Associates, APLC (“Plaintiff’s Counsel or Class Counsel”) as Class Counsel.
28

1 7. Solely for the purposes of the proposed settlement, the Court does hereby
2 preliminarily approve Plaintiff Maria Bacerra as Class Representative.

3 8. Solely for the purposes of the proposed settlement, the Court does hereby
4 preliminarily approve of and appoint Phoenix Settlement Administrators (“PSA”), as the Parties'
5 Settlement Administrator, and approves of settlement administration costs of up to \$ 20,000.

6 9. The Court finds that the section of the Settlement Agreement regarding the
7 disposition of uncashed checks complies with California Code of Civil Procedure Sections 382.4
8 and 384 by providing that any unclaimed settlement funds (settlement checks that expire) shall be
9 un-cashed check will be distributed pursuant to Code of Civil Procedure section 384 to the Court
10 Appointed Special Advocates for Children of Kern County (“CASA of Kern County”), or other cy
11 pres beneficiary to be selected by Defendant and approved by the Court.

12 10. A final fairness hearing (the "Final Approval Hearing") shall be set on
13 Oct. 12, 2022, in Department J of this Court, the review the notice process and
14 objections, if any, and to determine whether the proposed settlement on the terms and conditions
15 set forth in the Settlement Agreement are fair, reasonable, and adequate, and should be approved
16 by the Court; whether the Judgment as provided in the Settlement Agreement should be entered
17 into; and to determine the amount of attorneys' fees and costs that should be awarded to Class
18 Counsel and the amount of the Incentive Award that should be awarded to the Representative
19 Plaintiff.

20 11. The Settlement Administrator shall supervise and administer the notice procedure
21 as follows:

22 a. Within fourteen (14) Calendar Days after Preliminary Approval is Granted by The
23 Court, Defendants shall provide the Settlement Administrator with an updated list
24 of Class Members containing names, social security numbers, dates of
25 employment, last-known addresses and phone numbers (the “Database”).

26 b. Within Twenty-eight (28) Calendar Days after Preliminary Approval is Granted the
27 Settlement Administrator shall post the Class Notice on its website.
28

1 c. Within Thirty (30) Calendar Days after Preliminary Approval is Granted by The
2 Court all Class Members shall be mailed a Notice by First Class U.S. Mail.

3 d. The Response Deadline will be Sixty (60) calendar days from the initial mailing of
4 the Notice, meaning the last day on which Settlement Class Members may submit
5 a request for exclusion and/or objection to Settlement.

6 12. In order to Opt-Out of the Class Settlement, the Settlement Class Member must
7 submit a letter or postcard to the Settlement Administrator, postmarked by the Response Deadline.
8 The Opt-Out request must state the Settlement Class Member's name, address, telephone number,
9 and signature. Any Class Member who opts out of the Settlement will be ineligible to receive a
10 settlement payment, but will not be bound by the Settlement Agreement or the release of claims
11 contained therein.

12 13. Any Settlement Class Member who wishes to object to the Class Settlement must
13 submit a written objection to the Settlement Administrator no later than the Response Deadline
14 and must file with the Court and serve on all parties a written statement of objection. Only
15 Settlement Class Members who do not opt out of the Settlement may object to the Settlement. The
16 objection must include the case name and number and must set forth, in clear and concise terms, a
17 statement of the reasons why the objector believes that the Court should find that the proposed
18 Class Settlement is not in the best interest of the Settlement Class and the reasons why the Class
19 Settlement should not be approved, including the legal and factual arguments supporting the
20 objection.

21 14. The Court will set a compliance hearing for approximately sixty (60) days
22 following final distribution of the settlement funds.

23 15. The Court's preliminary approval of the Settlement Agreement is not to be deemed
24 an admission of liability or fault by Defendants, or a finding as to the validity of any claims or
25 defenses asserted in the action.


26 16. The Court reserves the right to adjourn the date of the Final Approval Hearing
27 without further notice to the Class Members, and it will retain jurisdiction to consider all further
28 applications arising out of or connected with the proposed Settlement.

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IT IS SO ORDERED.

Dated: July 14, 2022



Signed: 7/14/2022 04:24 PM

Judge of the Superior Court

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