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FILED
Superior Court of California
County of Los Angeles
10/17/2022

Sherri R. Carter, Executive Officer / Clerk of Court
By: I. Arellanes Deputy

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11
12 MARIA RAZO VIVEROS and REYES
13 SEGURA, as individuals and on behalf of all
others similarly situated,

14 Plaintiffs,

15 vs.

16
17 MISSION PRODUCE, INC., a California
18 corporation; and DOES 1 through 100,

19 Defendants.

Case No. 20STCV15737

[Assigned for all purposes to the Hon.
Kenneth R. Freeman, Dept. SSC-14]

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

Date: October 13, 2022
Time: 11:00 a.m.
Dept.: SSC-14

Complaint Filed: April 23, 2020
Trial Date: None set

1 The Motion of Plaintiffs Maria Razo Viveros, Reyes Segura, and Melchor Manlalo
2 Aguilar (“Plaintiffs”) for Preliminary Approval of Class Action Settlement (the “Motion”) came
3 on regularly before this Court on October 13, 2022 at 11:00 a.m. The Court, having considered
4 the proposed amended Stipulation of Settlement (the “Settlement”), attached as Exhibit 3 to the
5 Declaration of Paul K. Haines in Support of Supplemental Brief filed on or about May 27, 2022;
6 having considered the Motion, Memorandum of Points and Authorities in support thereof, and
7 supporting declarations filed therewith, as well as the supplemental briefing submitted on or about
8 May 27, 2022, and any argument presented in connection with the Motion; and good cause
9 appearing, HEREBY ORDERS THE FOLLOWING:

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

18 All current and former non-exempt employees of Mission Produce, Inc. (“Mission
19 Produce”) who worked for Mission Produce in California at any time from April
20 23, 2016 to December 31, 2021.

21 2. For purposes of the Settlement, the Court designates Plaintiffs as Class
22 Representatives, and designates Paul K. Haines, Tuvia Korobkin, and Neil M. Larsen of Haines
23 Law Group, APC and David D. Bibyan and Diego Aviles of Bibyan Law Group P.C. as Class
24 Counsel.

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

27 4. The Court approves, as to form and content, the Notice of Pendency of Class
28 Action and Proposed Settlement (“Notice”), and the Notice of Estimated Settlement Award,
attached as Exhibits A and B, respectively, to the Settlement (collectively, the “Notice Packet”).

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

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

14 8. The Court directs the Settlement Administrator to mail the Notice Packet to the
15 Settlement Class members in accordance with the terms of the Settlement.

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

18 10. The Final Approval Hearing on the question of whether the Settlement should be
19 finally approved is scheduled in in Department SSC-14 of this Court, located at 312 N. Spring
20 St., Los Angeles, California 90012 on May 4, 2023 at 10:00 a.m.

21 11. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
22 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
23 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiffs'
24 application for reasonable attorneys' fees, reimbursement of litigation expenses, enhancement
25 awards to Plaintiffs, and settlement administration costs should be granted.

26 12. Counsel for the parties shall file memoranda, declarations, or other statements and
27 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
28 expenses, Plaintiffs' enhancement awards, and settlement administration costs prior to the Final

1 Approval Hearing according to the time limits set by the Code of Civil Procedure and the
2 California Rules of Court.

3 13. An implementation schedule is below:

Event	Date
Mission Produce to provide Class Data to Settlement Administrator no later than [10 business days after preliminary approval]:	November 4, 2022
Settlement Administrator to mail Notice Packets to Settlement Class members no later than [15 business days after receiving Class Data]:	November 29, 2022
Deadline for Settlement Class members to opt out, or object to, the Settlement, or submit disputes to the Settlement Administrator [60 days after mailing of Notice Packets]:	January 30, 2023
Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement:	April 4, 2023
Final Approval Hearing	May 4, 2023

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

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

20 **IT IS SO ORDERED.**

21 Dated: U&ç à^iÆi, 2022



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23 Honorable Kenneth R. Freeman
24 Judge of the Superior Court
25 Kenneth R. Freeman / Judge