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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF IMPERIAL**

12 ISAIAS RUVALCABA, individually and on
13 behalf of others similarly situated,

14 Plaintiff,

15 vs.

16 SPRECKELS SUGAR COMPANY, INC., a
17 California Corporation; SOUTHERN
18 MINNESOTA BEET SUGAR
19 COOPERATIVE, a Minnesota Corporation;
20 and DOES 1 through 50, inclusive,

21 Defendants.

Case No.: ECU001415

*Assigned for all purposes to Honorable L.
Brooks Anderholt, Dept. 9*

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

Date: September 28, 2022
Time: 8:30 a.m.
Dept.: 9

Complaint Filed: May 28, 2020
TAC Filed: July 8, 2021
Trial Date: None.

[PROPOSED] ORDER

1 The Motion of Plaintiff Isais Ruvalcaba (“Plaintiff”) for Preliminary Approval of Class
2 Action and PAGA Settlement (“Motion”) came regularly for hearing before the Court. The Court,
3 having considered the proposed Settlement Agreement attached as Exhibit 1 to the Declaration
4 of Heather Davis (“Settlement Agreement”) filed concurrently with the Motion; having
5 considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, memorandum
6 of points and authorities in support thereof, and supporting declarations filed therewith; and good
7 cause appearing, HEREBY ORDERS THE FOLLOWING:
8

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. All terms used
12 herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the
13 Settlement only, the Court finds that the proposed Class is ascertainable and that there is a
14 sufficiently well-defined community of interest among the members of the Class in questions of
15 law and fact. Therefore, for settlement purposes only, the Court grants conditional certification
16 of the following settlement Class:

17 All current and former non-exempt employees who worked for Defendants
18 Spreckels Sugar Company, Inc. and Southern Minnesota Beet Sugar Cooperative,
19 in California, at any time between May 28, 2016, and July 7, 2022.

20 2. For purposes of the Settlement only, the Court designates Plaintiff Isais Ruvalcaba
21 as the Class Representative and designates Protection Law Group, LLP as Class Counsel.

22 3. The Court designates Phoenix Settlement Administrators as the third-party
23 Settlement Administrator.

24 4. The Parties are ordered to implement the Settlement according to the terms of the
25 Settlement Agreement.

26 5. The Court approves, as to form and content, the Notice of Proposed Class Action
27 Settlement (“Class Notice”).

28 6. The Court finds that the form of notice to the Class regarding the pendency of the
action and of the Settlement, the dates selected for mailing and distribution, and the methods of

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

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

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

15 9. The Class Notice shall provide forty-five (45) calendar days notice for Class
16 Members to submit disputes, opt-out of, or object to the Settlement.

17 10. The hearing on Plaintiff's Motion for Final Approval of Settlement on the question
18 of whether the Settlement should be finally approved as fair, reasonable, and adequate is
19 scheduled in Department 9 of this Court, located at 939 West Main Street, El Centro, California
20 92243, on Tuesday, February 11, 2014, at 10:00 a.m.

21 11. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement
22 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment
23 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application
24 for an incentive payment, settlement administration costs, and Class Counsel's attorneys' fees
25 and 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 Plaintiff's application for an incentive
28 payment, settlement administration costs, Class Counsel's attorneys' fees and costs, prior to the

1 hearing on Plaintiff's Motion for Final Approval of Settlement according to the time limits set by
2 the Code of Civil Procedure and the California Rules of Court.

3 13. An implementation schedule is below:

Event	Date
Defendants to provide class contact information to Settlement Administrator no later than:	[30 days following preliminary approval]
Settlement Administrator to mail the Class Notice to the Class no later than:	[15 days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	[45 calendar days after mailing of the Class Notice]
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	
Hearing on Motion for Final Approval of Settlement	

15 14. Pending the Final Fairness hearing, all proceedings in this Action, other than
16 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
17 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court
18 hereby enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, or
19 suits regarding claims released by the Settlement, unless and until such Class Members have filed
20 valid Requests for Exclusion with the Settlement Administrator.

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

24
25 **IT IS SO ORDERED.**

26
27 DATED: 09/28/2022

By: 

JUDGE OF THE SUPERIOR COURT