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Attorneys for Plaintiff

FILED
Superior Court of California,
County of Madera
10/03/2022

Adrienne Calip / Clerk of Court
By: Brittany Velazquez, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MADERA**

JACINTO BRAVO, as an individual, and on
behalf of all others similarly situated,

Plaintiff,

vs.

J & R DEBENEDETTO ORCHARDS, INC., a
California corporation; DEBENEDETTO
EXPORTS, INC., a California corporation; and
DOES 1 through 100,

Defendants.

Case No.: MCV086092

*[Assigned for all purposes to
Dept. 44]*

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

Date: October 3, 2022
Time: 8:30 a.m.
Dept.: 44

Complaint Filed: September 28, 2021
Trial Date: None Set

BY FAX

1 The unopposed motion of Plaintiff Jacinto Bravo ("Plaintiff") for Preliminary Approval
2 of Class Action Settlement came on regularly for hearing before this Court on October 3, 2022,
3 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 filed concurrently
5 herewith; having considered Plaintiff's Motion for Preliminary Approval of Class Action
6 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 the Parties' request to file the Second Amended Class and
9 Representative Action Complaint ("SAC"), attached as Exhibit D to the Declaration of Daniel J.
10 Brown filed concurrently herewith. The SAC shall be deemed filed as of the date of this Order.
BE FILED WITHIN FIVE DAYS OF THIS ORDER

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

18 All current and former non-exempt employees of Defendants in
19 California who worked at any time from September 28, 2017 to
20 October 10, 2022 ("Class Period"), and who did not sign a separation
21 agreement during the Class Period, including the Minimum Wage
22 Class, the Overtime Wage Class, the Meal Period Class, the Rest
23 Break Class, the Employee Expense Class, the Wage Statement Class,
the Reporting Time Class, and the Waiting Time Class, as those
Classes are defined in the operative Second Amended Class and
Representative Action Complaint. ("Settlement Class" or "Settlement
Class Members").

24 3. For purposes of the Settlement, the Court designates Jacinto Bravo as Class
25 Representative and Daniel J. Brown of Stansbury Brown Law, PC as Class Counsel.

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

28 5. The Court approves, as to form and content, the Notice of Pendency of Class

1 Action and Proposed Settlement ("Class Notice") and Request for Exclusion Form attached as
2 Exhibits B and C respectively to the Declaration of Daniel J. Brown filed concurrently herewith.

3 6. The Court finds that the form of notice to the Settlement Class regarding the
4 pendency of the action and of the Settlement, and the methods of giving notice to members of the
5 Settlement Class constitute the best notice practicable under the circumstances, and constitute
6 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
7 giving notice complies fully with the requirements of California Code of Civil Procedure section
8 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California
9 and United States Constitutions, and other applicable law.

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

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

16 9. The Court directs the Settlement Administrator to mail the Class Notice and
17 Request for Exclusion Form to the members of the Settlement Class in accordance with the terms
18 of the Settlement. The Court directs the Settlement Administrator to carry out all duties as
19 required by the Settlement.

20 10. The Class Notice shall provide at least 60 calendar days' notice for Class Members
21 to opt out of, or object to, the Settlement. Any Request for Exclusion or written objection shall
22 be submitted directly to the Settlement Administrator and not filed with the Court. Upon receipt
23 of any Requests for Exclusion or written objection, the Settlement Administrator shall forward
24 copies of all Requests for Exclusion or written objection to counsel for all Parties. The Settlement
25 Administrator shall file a declaration concurrently with the filing of the Motion for Final Approval
26 of Class Action Settlement which authenticates a copy of every Request for Exclusion and written
27 objection received by the Settlement Administrator. The Settlement Administrator shall give
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1 notice to any objecting Class Member of any continuance of the hearing on Plaintiff's Motion for
2 Final Approval of Class Action Settlement.

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 44 of this Court,
5 located at 200 South G Street, Madera, California 93637, on February 24, 2023 at 8:30 a.m.

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

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

17 14. An implementation schedule is below:

| Event | Date |
|---|---|
| Defendants to provide Class Data to Settlement Administrator no later than: | November 7, 2022 |
| Settlement Administrator to mail Class Notice, Request for Exclusion and Objection Form to Class Members no later than: | November 14, 2022 |
| Deadline for Settlement Class members to request exclusion from, or object to, the Settlement: | January 13, 2023 |
| Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement: | 16 Court Days Prior To Final Fairness Hearing |
| Final Fairness Hearing: | February <u>24</u> 2023 |


25 15. Pending the Final Fairness Hearing, all deadlines, including discovery and class
26 certification deadlines, and proceedings in this action other than proceedings necessary to carry
27 out or enforce the terms and conditions of the Settlement and this Order, are stayed.
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16. 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: 10/3, 2022



Judge of the Superior Court

