

ELECTRONICALLY FILED
by
Superior Court of California
County of Yuba
on 10/10/2023
by C Fuentes

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6 individually and on behalf of similarly situated employees

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8 **SUPERIOR COURT OF CALIFORNIA**
9
10 **FOR THE COUNTY OF YUBA**

11 RAFAEL GUEVARA SANCHEZ,
12 individually and on behalf of all other
13 similarly situated employees,
14 Plaintiff,
15 vs.
16 DANNA FARMS INC., a California
17 Corporation; and DOES 1 to 100, inclusive,
18 Defendants.

Case No. CVCV21-01213

CLASS ACTION

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT**

Date: November 27, 2023
Time: 10:00 a.m.
Dept.: 4
Judge: Hon. Stephen W. Berrier

Filed: December 22, 2021
FAC Filed: May 11, 2022
Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on November 27, 2023, at 10:00 a.m., or as soon thereafter as the
3 matter may be heard in Department 4 of the above-entitled Court, Plaintiff Rafael Guevara Sanchez,
4 individually and on behalf of all other similarly situated individuals, hereby move for entry of an Order
5 for the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiff Rafael Guevara Sanchez as class representative for
8 purposes of settlement;
- 9 3. Preliminarily appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of
10 settlement;
- 11 4. Preliminarily approving the proposed class action and Private Attorneys General Act
12 settlement, in the amount of \$275,000, which is incorporated herein by reference;
- 13 5. Preliminarily and conditionally approving the application for payment to Class Counsel of
14 attorneys' fees in the amount of 35% of the Gross Settlement Amount;
- 15 6. Preliminarily and conditionally approving the application for payment to Class Counsel of
16 reasonable costs not to exceed \$10,000;
- 17 7. Preliminarily and conditionally approving the Class Representative Enhancement Payment of
18 \$15,000 to Plaintiff Rafael Guevara Sanchez;
- 19 8. Preliminarily approving the appointment of CPT Group as the Settlement Administrator and
20 for payment to CPT Group for administering said class action settlement in an amount not to
21 exceed \$15,000;
- 22 9. Preliminarily approving the settlement of claims under the Private Attorneys General Act for
23 the total amount of \$20,000, 75% of which will be paid to the Labor and Workforce
24 Development Agency and 25% of which will be paid to Aggrieved Employees;
- 25 10. Approving as to form and content the Notice of Settlement, which provide Class Members
26 information regarding the settlement, their ability to opt out of, or object to, the class action
27 settlement and which provides instruction on how to dispute an individual's settlement
28 allocation under the proposed settlement agreement;

- 1 11. Approving the proposed procedures to notify the class and determining that the proposed
2 notification procedures and process complies with Class Members' due process rights and
3 directing the Notice of Settlement to be translated and sent in both the English and Spanish
4 language by first class mail to Class Members;
- 5 12. Directing Defendant to report available employment information, including social security
6 numbers, to the Settlement Administrator to administer the settlement proceeds;
- 7 13. Scheduling a fairness hearing on the question of whether the proposed settlement should be
8 finally approved as fair, reasonable, and adequate;
- 9 14. Directing that any amount from settlement checks that were not cashed by the check cashing
10 deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Sacramento Food
11 Bank & Family Services under the doctrine of *cy pres*;
- 12 15. Preliminarily and conditionally approving and adopting the Proposed Order and its
13 implementation schedule, which is filed herewith and incorporated by reference.

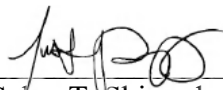
14 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
15 2699(1), and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action
16 and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class Members
17 and should be approved by the Court. This motion will be based on the notice of motion, memorandum
18 of points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of Rafael Guevara
19 Sanchez, exhibits, the record and files of this case, and any further oral or documentary evidence
20 introduced at the hearing of this motion.

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25 **Pursuant to Local Rule 3.5 (B), the court adopts CRC Rule 3.1308 (a)(2) as the tentative ruling**
26 **procedure in law and motion matters which states that no notice of intent to appear is required.**
27 **The court must make its tentative ruling available by telephone and also, at the option of the**
28 **court, by any other method designated by the court, by a specified time before the hearing. The**
tentative ruling may note any issues on which the court wishes the parties to provide further
argument at the hearing. This procedure must not require the parties to give notice of intent to
appear, and the tentative ruling will not automatically become the ruling of the court if such

1 **notice is not given. The tentative ruling, or such other ruling as the court may render, will not**
2 **become the final ruling of the court until the hearing.**

3 Dated: October 6, 2023

Shimoda & Rodriguez Law, PC

4
5 By: 
6 Galen T. Shimoda
7 Justin P. Rodriguez
8 Renald Konini
9 Attorneys for Plaintiff