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Case #16CV299769
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

MARTIN CHAVEZ an individual, on behalf
of himself and others similarly situated,

PLAINTIFF,

v.

GEORGE CHIALA FARMS, INC.; and
DOES 1 thru 50, inclusive,

DEFENDANTS.

Case No. 16CV299769

[Case Assigned for All Purposes to Hon. Brian
C. Walsh, Dept. 1, Complex]

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

Date: March 9, 2018

Time: 9:00 a.m.

Dept.: 1

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

1 The Motion for Preliminary Approval of the Class Settlement came before this Court, the
2 Honorable Brian C. Walsh presiding. The Court, having considered the papers submitted in
3 support of the motion of the parties, **HEREBY ORDERS THE FOLLOWING:**

4 1. The Court grants preliminary approval of the Settlement and the Settlement Class
5 based upon the terms set forth in the Settlement Agreement filed herewith. The Settlement is fair,
6 adequate, and reasonable to the Class. The Court finds that: (a) the Agreement resulted from
7 extensive arm's length negotiations; and (b) the Agreement is sufficient to warrant notice of the
8 Settlement to persons in the Settlement Class and a full hearing on the approval of the
9 Settlement

10 2. The Court conditionally certifies, for settlement purposes only, the following
11 Settlement Class: all current and former non-exempt hourly employees who were employed by
12 George Chiala Farms, Inc. between September 9, 2012 through October 30, 2017.

13 3. The Settlement falls within the range of reasonableness and appears to be
14 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
15 and final approval by this Court.

16 4. A final fairness hearing on the question of whether the proposed Settlement,
17 attorneys' fees to Class Counsel, and the claims administration costs should be finally approved
18 as fair, adequate, and reasonable as to the members of the Class is scheduled for October 5, 2018
19 at 9:00 a.m. (Pacific Time), in Department 1.

20 5. In connection with this conditional certification, the Court makes the
21 following preliminary findings for settlement purposes only:

- 22 1. The Settlement Class, which exceeds 1,000 persons, is so numerous that joinder of
23 all members is impracticable;
- 24 2. There appear to be questions of law or fact common to the Settlement Class for
25 purposes of determining whether this Settlement should be approved;
- 26 3. Plaintiff's claims appear to be typical of the claims being resolved through the
27 proposed settlement;
- 28 4. Plaintiff appears to be capable of fairly and adequately protecting the interests

1 of the Settlement Class Members in connection with the proposed settlement;

2 5. Common questions of law and fact appear to predominate over questions affecting
3 only individual persons in the Settlement Class. Accordingly, the Settlement
4 Class appears to be sufficiently cohesive to warrant settlement by representation; and

5 6. Certification of the Settlement Class appears to be superior to other available
6 methods for the fair and efficient resolution of the claims of the Settlement Class.

7 6. The Court approves, as to form and content, the Notice to Class Members in
8 substantially the form attached hereto as **Exhibit "1"**. The Court approves the procedure for Class
9 Members to opt out and object to the Settlement as set forth in the Notice to Class Members.

10 7. The Court directs the mailing of the Notice and related documents to Class
11 Members by first class mail to the Class Members in accordance with the Implementation
12 Schedule set forth below. GCF is authorized and ordered to disclose the names and last known
13 addresses (including email addresses) of potential Settlement Class Members to the Settlement
14 Administrator, and such information shall only be used for the purposes of providing notice and
15 distributing Settlement Payments to the Settlement Class Members. The Court finds that the
16 dates selected for the mailing and distribution of the Notice, as set forth in the Implementation
17 Schedule, meet the requirements of due process and provide the best notice practicable under the
18 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

19 8. It is ordered that the Settlement Class is preliminarily certified for settlement
20 purposes only.

21 9. The Court confirms Kingsley & Kingsley, APC and Law Offices of Sahag
22 Majarian II as Class Counsel.

23 10. The Court confirms Martin Chavez as class representative.

24 11. The Court approves CPT Group, Inc. as the Settlement Administrator.

25 12. The Court orders that pursuant to the California Private Attorneys General Act,
26 Labor Code §§ 2698, et seq. ("PAGA"), statutory notice of this Settlement has been and will
27 continue to be given to the Labor & Workforce Development Agency.

28 13. The Court orders the following Implementation Schedule for further proceedings:

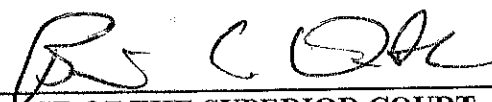
a.	Preliminary Approval	<u>7-9-18</u>
b.	Deadline for Defendant to Provide Names and Addresses of Class Members to Claims Administrator	21 days from Preliminary Approval
c.	Mail Notice to Class Members	14 days from Receipt of List
d.	Deadline for Postmark of Any Request for Exclusion	45 Days from Mailing of Notices
e.	Deadline for Postmark of Any Objection	45 Days from Mailing of Notices
f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	To be determined by the Court <u>9-13-18</u>
g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	To be determined by the Court <u>9-13-18</u>
h.	Final Approval Hearing	October 5, 2018

IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the Settlement Agreement, does not occur for any reason, the Settlement Agreement and the proposed Settlement that is the subject of this Order, and all evidence and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the Settlement Agreement.

14. IT IS FURTHER ORDERED that, pending further Order of this Court, all proceedings in this matter except those contemplated herein and in the Settlement Agreement are hereby stayed.

1 15. The Court expressly reserves the right to adjourn or continue the Final Fairness
2 Hearing from time to time without further notice to members of the Settlement Class.

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4 DATED: JUL - 9 2018


JUDGE OF THE SUPERIOR COURT
BRIAN C. WALSH