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Attorneys for Defendant GREEN VALLEY
LABOR, INC.

[further counsel on next page]

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

BARTOLA SANTIAGO, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

GREEN VALLEY LABOR, INC., a California
corporation; THE BURCHELL NURSERY,
INC., a California corporation; and DOES 1
through 10, inclusive,

Defendants.


Case No.: 21CV-00413

CLASS ACTION

*[Assigned for all purposes to: Hon. Stephanie
L. Jamieson, Courtroom 8]*

**JOINT STIPULATION TO APPROVE
AMENDED CLASS NOTICE**

Complaint filed: February 5, 2021
FAC Filed: January 14, 2022
Trial date: Not set

FILED
MERCED COUNTY
2025 APR 14 PM 4:02
CLERK OF THE SUPERIOR COURT
BY  DEPUTY

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Attorneys for Defendant THE BURCHELL NURSERY, INC.

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 Plaintiff Bartola Santiago ("Plaintiff") and Defendant Green Valley Labor, Inc. and The
3 Burchell Nursery, Inc. (collectively, "Defendants," and together with Plaintiffs, the "Parties"), by
4 and through their respective counsel of record, stipulate and jointly request as follows:

5 **WHEREAS**, on October 24, 2024, this Court granted Plaintiff's Motion for Preliminary
6 Approval of Class Action Settlement ("Order Granting Plaintiff's Motion for Preliminary Approval
7 of Class Action Settlement"). The Court also scheduled the Final Approval Hearing for May 20,
8 2025 at 8:30 a.m. in Department 8 of the Merced County Superior Court;

9 **WHEREAS**, on March 12, 2025, the Court granted a brief continuance of the final approval
10 hearing date and a Case Management Conference to June 23, 2025, due to a delay in delivering the
11 class data to the Settlement Administrator;

12 **WHEREAS**, in March 2025, while the Parties were working with the court-approved
13 Settlement Administrator to deliver the class members' information and begin the notice
14 administration process, the Parties discovered that the approved Class Notice did not conform to
15 the language of the class notice in Parties' Class Action and PAGA Settlement Agreement and
16 Class Notice ("Settlement Agreement"). Specifically, the approved Class Notice states on Section
17 10 that "[i]f your check is already void you should consult the Unclaimed Property Fund website
18 for instructions on how to retrieve the funds"; however, the Parties' Settlement Agreement
19 provides that uncashed funds are to be transmitted to a *cy pres* recipient.

20 **WHEREAS**, additionally, the Parties agreed to a payment plan to fully fund the settlement;
21 however, the class notice fails to include the payment plan details;

22 **WHEREAS**, the Parties have since met and conferred and agreed to seek Court approval
23 of an Amended Class Notice;

24 **WHEREAS**, a redlined version of the amended Class Notice is attached as Exhibit A to
25 the Declaration of Daniel J. Kramer in Support of Parties' Joint Stipulation to Approve Amended
26 Class Notice ("Kramer Declaration") and a clean version of the amended Class Notice is attached
27 thereto as Exhibit B;

28 **WHEREAS**, the Parties respectfully request that the Court modify Section 10 of the

1 amended Class Notice to state the following: “[i]f your check is already void, you will have no
2 way to recover the money” rather than “[i]f your check is already void you should consult the
3 Unclaimed Property Fund website for instructions on how to retrieve the funds”;

4 **WHEREAS**, the Parties respectfully request that the Court modify Section 3.1. of the
5 amended Class Notice to state the following: “Defendants have agreed to deposit the Gross
6 Settlement into an account controlled by the Administrator of the Settlement. The Administrator
7 will use the Gross Settlement to pay the Individual Class Payments, Individual PAGA Payments,
8 the Class Representative’s Service Payment, Class Counsel’s attorneys’ fees and expenses, the
9 Administrator’s expenses, and penalties to be paid to the LWDA. Assuming the Court grants Final
10 Approval, each Defendant shall fund its 50% portion of the Gross Settlement Amount, as follows:
11 (1) each Defendant shall deposit \$125,000 with the Administrator no later than 30 days after the
12 Effective Date; (2) each Defendant shall deposit another \$125,000, plus its 50% share of the
13 employer payroll taxes, within six months after making the first payment. The Judgment will be
14 final on the date the Court enters Judgment, or a later date if Participating Class Members object
15 to the proposed Settlement or the Judgment is appealed”; and

16 **WHEREAS**, upon approval of the class notice, the Parties will proceed with the notice
17 process as otherwise described in the Court’s Order Granting Plaintiff’s Motion for Preliminary
18 Approval of Class Action Settlement.

19 **THEREFORE**, subject to this Court’s approval, **THE PARTIES HEREBY**
20 **STIPULATE** to and respectfully request the following:

21 1. The Court approve the amended Class Notice attached as Exhibit B to the Kramer
22 Declaration.

23 Respectfully submitted,

24 Dated: March 27, 2025

WILSHIRE LAW FIRM

25 By: 
26 _____

Benjamin H. Haber
Daniel J. Kramer

27 Attorneys for Plaintiff
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Dated: March 27, 2025

LITTLER MENDELSON, P.C.

By: /s/ Alejandra Gallegos
Gerardo Hernandez
Alejandra Gallegos
Attorneys for Plaintiffs

Dated: March 27, 2025

COOK BROWN, LLP

By: /s/ Carrie E. Bushman
Carrie E. Bushman
Attorneys for Defendant

sgm

PROPOSED ORDER

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The Court, having reviewed the Parties' Joint Stipulation to Approve Amended Class Notice, and good cause appearing, hereby approves the amended Class Notice attached as Exhibit B to the Declaration of Daniel J. Kramer in Support of Parties' Joint Stipulation to Approve Amended Class Notice.

IT IS SO ORDERED.

DATE: 4-16-2025

Susan J. Matcham

Hon. Stephanie L. Jamieson
Merced County Superior Court

PROOF OF SERVICE

Santiago v. Green Valley Labor, Inc., et al.
21CV-00413

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is rebecca.padilla@wilshirelawfirm.com.

On March 27, 2025, I served the foregoing **JOINT STIPULATION TO APPROVE AMENDED CLASS NOTICE**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Gerardo Hernandez (SBN 292809)
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Attorneys for Defendant
Green Valley Labor, Inc.

Attorneys for Defendant
The Burchell Nursery, Inc.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on March 27, 2025, at Los Angeles, California.



Rebecca Padilla