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SUPERIOR COURT
COUNTY OF YAKIMA

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

ARGELIO VARGAS LOPEZ, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

TAYLOR ORCHARDS, LLC., a Washington
limited liability company,

Defendant.

CASE NO. 17-2-00468-39

~~PROPOSED~~ ORDER:

- (1) GRANTING CONDITIONAL CERTIFICATION OF SETTLEMENT CLASS AND PRELIMINARY APPROVAL OF SETTLEMENT;
- (2) APPROVING CLASS NOTICE AND RELATED MATERIALS;
- (3) APPOINTING CLAIMS ADMINISTRATOR; AND
- (4) SCHEDULING FINAL APPROVAL HEARING

Plaintiff's motion for preliminary approval of the class action settlement between Plaintiff Argelio Vargas Lopez ("Plaintiff") and Defendant Taylor Orchards, LLC ("Defendant" or "Taylor") came before the Court for conditional certification of a Settlement Class in this action, preliminary approval of the parties' proposed settlement, approval of the notice to be sent to Class Members about the settlement, and the setting of a date for the hearing on final approval of the settlement. The Court having read and considered the papers on the motion, the arguments of counsel, and the law, and good cause appearing therefore,

~~PROPOSED~~ ORDER

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1 **IT IS ORDERED:**

2 1. The following classes of persons are certified as the Class in this action solely for
3 the purposes of the Settlement:

4 (a) "Washington Resident Class:" all individuals who (1) resided in Washington (2) were
5 employed by Defendant Taylor Orchards, LLC as a hand harvester, pruner, picker,
6 thinner, farm worker, or any similar position (3) and who were paid on a piece-rate basis,
at any time from February 28, 2014 through to July 11, 2015.

7 (b) "Non-resident Class:" all individuals who (1) did not reside in Washington (2) were
8 employed by Defendant Taylor Orchards, LLC as a hand harvester, pruner, picker,
thinner, farm worker, or any similar position (3) and who were paid on a piece-rate basis,
at any time from September 25, 2014 through to July 11, 2015.

9 The two Classes together are referred to herein collectively as "the Settlement Class".

10 2. The proposed Settlement Class satisfies the requirements of a settlement class
11 because the Class Members are readily ascertainable and a well-defined community of interest
12 exists in the questions of law and fact affecting the parties. The Settlement class is estimated to
13 include 2,157 individuals.

14 3. The parties' Class Action Settlement Agreement and Release (the "Settlement
15 Agreement") (Decl. of Craig Ackermann in Support of Preliminary Approval, Exh. 1) is granted
16 preliminary approval as it meets the criteria for preliminary settlement approval. The Settlement
17 falls within the range of possible approval as fair, adequate and reasonable, was the product of
18 arm's-length and informed negotiations through mediation, and appears to treat all Class Members
19 fairly.

20
21 4. The parties' proposed Class Notice plan is constitutionally sound because individual
22 notices will be mailed to all class members whose identities are known to the parties. The Class
23 Notice will be disseminated according to the notice plan described in the Settlement Agreement and
24 substantially in the form submitted by the parties. To ensure that the Class Notice reaches as many
25 Class Members as possible, the Settlement Administrator will take the Class Data provided by the
26 parties (which will include each Class Member's name, last-known mailing address and telephone
27 number, Social Security number, and number of Piece Rate Hours) and update the addresses using

1 the National Change of Address database. After doing so, the Settlement Administrator will mail
2 the Class Notices. If any of the Class Notices are returned by the U.S. Postal Service as
3 undeliverable (*i.e.*, there is no forwarding address), the Settlement Administrator will perform “skip
4 trace” address searches and will re-mail notices to Class Members for whom new addresses are
5 provided or are found. Proof of distribution of notice will be filed by the parties at or prior to the
6 final approval hearing. The parties’ proposed Class Notice and Claim Form (Settlement Agreement,
7 Exhibits A and B) are sufficient to inform Class Members of the terms of the Settlement, their rights
8 under the Settlement (including, but not limited to, their right to submit a Claim Form to claim their
9 Settlement Share, their right object to the settlement, their right to challenge their Settlement Share
10 amount, or their right to request to be excluded from the Settlement), and the date and location of
11 the final approval hearing. The Class Notice plan provides the best notice practicable and, therefore,
12 is approved.

13 5. Any Class Member who wishes to submit a Claim Form or object to the Settlement,
14 including the Class Counsel requested attorney’s fees and/or litigation costs, has until 75 days after
15 the mailing of the Class Notice to submit his or her Claim Form or objection, pursuant to the
16 procedures set forth in the Class Notice.

17 6. Any Class Member may opt-out of the Settlement, by submitting a written election
18 not to participate in this Settlement no later than 75 days after the mailing of the Class Notice,
19 pursuant to the procedures set forth in the Class Notice.

20
21 7. CPT Group, Inc. is appointed to act as the Settlement Administrator, pursuant to the
22 terms set forth in the Settlement.

23 8. Defendant is directed to provide the Settlement Administrator the Class Data as
24 specified by the Settlement Agreement no later than 21 days after the date of this order.

25 9. The Settlement Administrator is directed to mail the approved Class Notice by first-
26 class regular U.S. mail to the Class Members no later than 30 days after receipt of the Class Data
27 from Defendant, as specified by the Settlement Agreement.


1 10. A final hearing will be held on _____, 2018, at _____m., to determine
2 whether the Settlement should be granted final approval as fair, reasonable, and adequate. The
3 Court will hear all evidence and argument necessary to evaluate the Settlement, and will consider
4 the Class Representative's request for a Class Representative Payment and Class Counsel's request
5 for attorneys' fees and reimbursement of litigation costs. Class Members and their counsel may
6 oppose the Settlement and/or the motion for awards of the Class Representative Payment, the Class
7 Counsel Fees, and Class Counsel Litigation Expenses, if they so desire, as set forth in the Class
8 Notice.

9 11. The motion in support of final approval, including any request for the Class Counsel
10 Fees Payment and Class Counsel Litigation Expenses Payment, must be filed no later than five days
11 before the Final Approval Hearing.

12 12. Any Class Member may appear at the final approval hearing in person or by his or
13 her own attorney, and show cause why the Court should not approve the Settlement, or object to the
14 motion for awards of the Class Representative Payments and/or Class Counsel's requested
15 attorneys' fees and/or Class Counsel Litigation Expenses.

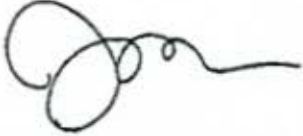
16 13. The Court reserves the right to continue the date of the final approval hearing without
17 further notice to Class Members. The Court retains jurisdiction to consider all further matters
18 arising out of or in connection with the Settlement.

19 Date: 2/22, 2018

20 
Hon. _____
Superior Court Judge, County of Yakima **Michael G. McCarthy**

21 Presented by:

22 **Judge**
INDIA LIN BODIEN, ATTORNEY AT LAW

23
24 
25 By: _____
26 India Lin Bodien, WSBA #44898
27 2522 North Proctor Street, #387
28 4 Tacoma, Washington 98406-5338

[PROPOSED] ORDER

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Attorneys for Plaintiff and the Settlement Class

Approved as to form and notice of
presentment waived:

JEFFERS DANIELSON SONN & AYLWARD, PS

By:



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