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14 of himself and all others similarly situated

15 **SUPERIOR COURT OF CALIFORNIA**  
16 **FOR THE COUNTY OF LOS ANGELES**

17 JOSE NIETO MARTINEZ, an  
18 individual, appearing on behalf of  
19 himself and all others similarly  
20 situated,

21 Plaintiff,

22 vs.

23 ROGERS POULTRY CO., a  
24 California corporation; and DOES 1-  
25 25,

26 Defendants.

Case No.: BC645562

[Assigned for all purposes to the Hon. William  
F. Highberger]

**~~PROPOSED~~ ORDER GRANTING FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND JUDGMENT**

Date: July 24, 2018

Time: 11:00 a.m.

Dept: 10

Filing Date: January 4, 2017

Trial Date: None Set

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LOS ANGELES SUPERIOR COURT  
JUN 28 2018  
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**ORDER AND JUDGMENT**

This matter came on for hearing upon Plaintiff's unopposed motion for approval of the Settlement set forth in the Stipulation for Class Action Settlement (the "Stipulation"). Due and adequate notice having been given to the Class, and the Court having considered the Stipulation, all papers filed and proceedings had herein and all oral and written comments received regarding the proposed settlement, and having reviewed the record in this Lawsuit, and good cause appearing,

THE COURT HEREBY MAKES AND ENTERS JUDGMENT AS FOLLOWS:

1. The Court, for purposes of this Order and Judgment, adopts all defined terms as set forth in the Stipulation filed in this Lawsuit.
2. The Court has jurisdiction over the subject matter of the Lawsuit, the Class Representative, other Participating Class Members and Defendant.
3. The Court finds that the dissemination of the Notice of Class Action Settlement as provided for in the Order Granting Preliminary Approval of Class Action Settlement, constituted the best notice practicable under the circumstances to all persons within the definition of the Class, and fully met the requirements of California law and due process under the United States Constitution. Based on evidence and other material submitted in conjunction with the Final Approval Hearing, the actual notice to the Class was adequate.
4. The Court finds in favor of settlement approval.
5. The Court approves of the Settlement, as set forth in the Stipulation, as fair, just, reasonable and adequate as to the Class. The Settling Parties are hereby ordered to implement and carry out the Settlement in accordance with the terms set forth in the Stipulation.
6. All of the Released Claims are hereby released upon the Effective Date of the

1 Settlement.

2 7. Except as otherwise provided in the Stipulation, the Parties are to bear their own  
3 costs and attorneys' fees.

4 8. Solely for purposes of effectuating the Settlement, this Court has certified a class  
5 consisting of all Participating Class Members of the Class, as those terms are defined in the  
6 Stipulation, and the Court deems this definition sufficient for purposes of California Rules  
7 of Court 3.765(a) and 3.771.

8  
9 9. With respect to the Class and for purposes of approving the Settlement only and  
10 for no other purpose, this Court finds and concludes that: (a) the Participating Class  
11 Members are ascertainable and so numerous that joinder of all members is impracticable; (b)  
12 there are questions of law or fact common to the Class, and there is a well-defined  
13 community of interest among Participating Class Members with respect to the subject matter  
14 of the Lawsuit; (c) the claims of the Class Representative are typical of the claims of the  
15 Participating Class Members; (d) the Class Representative has fairly and adequately  
16 protected the interests of the Class; (e) a class action is superior to other available methods  
17 for an efficient adjudication of this controversy; and (f) the counsel of record for the Class  
18 Representative, *i.e.*, Class Counsel, are qualified to serve as counsel for the Class.  
19

20 10. The Court approves the Individual Class Member Payments to Participating  
21 Class Members, as set forth in the Stipulation. All such payments shall be made not later  
22 than twenty (20) calendar days after the Effective Date of the Settlement in accordance with  
23 the formulas set forth in the Stipulation.  
24

25 11. Defendant shall pay (a) attorneys' fees and costs to Class Counsel attorneys' fees  
26 and costs in the amount of \$339,898.13, consisting of \$316,666.66 in fees and \$23,231.47 in  
27 litigation costs and expenses; (b) an Enhancement Award to the Class Representative, Jose  
28

\$12,500.00

1 Nieto Martinez, in the amount of ~~\$15,000.00~~ to compensate him for his services to the  
2 Class; and (c) the amount of \$13,000.00 to the Claims Administrator, CPT Group, Inc., for  
3 its fees and costs relating to the settlement administration process. The Court finds that  
4 these amounts are fair and reasonable. Defendant is directed to make such payments in  
5 accordance with the terms of the Stipulation.

6 12. The Court reserves exclusive and continuing jurisdiction over the Lawsuit, the  
7 Class Representative, the Class and Defendant for the purposes of supervising the  
8 implementation, enforcement, construction, administration and interpretation of the  
9 Stipulation and this Judgment.  
10

11 13. Within ten (10) days of the Effective Date of the Settlement, the Claims  
12 Administrator is hereby ordered to give notice of this Judgment to the Class by posting or  
13 publishing a true and correct copy of the Judgment on the settlement website established and  
14 maintained by the Claims Administrator.

15 IT IS SO ORDERED.

16  
17 Dated: 7/24, 2018

WILLIAM F. HIGHBERGER, JUDGE

Hon. William F. Highberger, Judge of the  
Superior Court