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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA**

GUADALUPE ROMO, JOSE LUIS
HERRERA and FRANCESCA HARVEY
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

THE PEASANT & THE PEAR, INC.;
RODNEY WORTH; NATALIE REED
aka NATALIE WORTH; and DOES 1
through 20, inclusive,

Defendants.

Case No.: C14-01376

CLASS ACTION

**ORDER GRANTING MOTION FOR (1)
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT; (2)
PROVISIONAL CERTIFICATION OF
SETTLEMENT CLASS AND
APPOINTING CLASS COUNSEL; (3)
APPROVING FORM AND METHOD OF
CLASS NOTICE; AND (4) SCHEDULING
A FINAL FAIRNESS HEARING**

Date: May 18, 2017

Time: 8:30 a.m.

Dept: 17

Judge: Hon. Barry P. Goode

1 The above-captioned matter came on for hearing before the Court on May 18, 2017 on
2 Plaintiffs' Motion for (1) Preliminary Approval of a Class Action Settlement, (2) Provisional
3 Certification of a Proposed Settlement Class and Appointment of Class Counsel, (3) Approval of a
4 Proposed Form and Method of Class Notice, and (4) the Scheduling of a Final Fairness Hearing.
5 The Parties have entered into a class Settlement, attached as Exhibit 1 to the Supplemental
6 Declaration of Enrique Martinez ("the Settlement") which, if approved, would resolve this class
7 action lawsuit (the "Action").
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9 Upon review and consideration of the motion papers and the Settlement and the exhibits
10 thereto, including the proposed form of notice to the Settlement Class ("Class Notice") and form for
11 class members to dispute their share of the settlement proceeds ("Dispute Form"), attached to the
12 Settlement as Exhibits 1A and 1B, the Court finds that there is sufficient basis for (1) granting
13 preliminary approval of the Settlement; (2) provisionally certifying the class for settlement purposes
14 only; (3) appointing plaintiffs' counsel as Class Counsel and appointing the named plaintiffs to
15 represent the Settlement Class; (4) approving the Parties' proposed form and method of notice to the
16 Settlement Class; (5) approving the Parties' proposed Class Notice and Dispute Form and the
17 procedures set forth in the Settlement for class members to exclude themselves from the Settlement
18 Class or object to the Settlement, and directing that notice be disseminated to the Settlement Class
19 pursuant to the terms of the Settlement; (6) staying all non-settlement related proceedings in the
20 Action pending final approval of the Settlement; and (7) setting a final hearing (the "Fairness
21 Hearing") at which time the Court will consider whether to grant (a) final approval of the
22 Settlement and (b) Class Counsel's application for attorneys' fees and costs.
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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. This Action is provisionally certified as a class action, for the purposes of settlement only, pursuant to Code of Civil Procedure section 382.

2. The Settlement Class is defined as: “the non-exempt employees of Defendants The Peasant & The Pear, Inc., Rodney Worth and Natalie Reed aka Natalie Worth at any point in time from July 18, 2010 to June 30, 2014, who do not properly and timely opt out of the Settlement Class by having requested exclusion, and excluding workers who previously settled and released their claims by way of direct settlement with Defendants.”

3. Certification of the Settlement Class shall be solely for the purposes of settlement and without prejudice to the Parties in the event the Settlement is not finally approved by this Court or otherwise does not take effect. The Court’s findings are for purposes of conditionally certifying a Settlement Class and will not have any claim or issue or evidentiary preclusion or estoppel effect in any other action against Defendants, or in this Action if the Settlement is not finally approved.

4. The Court preliminarily approves the Settlement as fair, reasonable, and adequate, entered into in good faith, free of collusion, and within the range of possible judicial approval.

5. The Court appoints the following attorneys as Class Counsel:

John E. Hill
Enrique Martínez
LAW OFFICES OF JOHN E. HILL
333 Hegenberger Road, Ste. 500
Oakland, CA 94621
Telephone: (510) 588-1000
Facsimile: (510) 633-2504

Robert Salinas
SUNDEEN & SALINAS
428 13th Street, Eighth Floor
Oakland, California 94612
Telephone: (510) 663-9240
Facsimile: (510) 663-9241

6. The Court appoints the named plaintiffs, Guadalupe Romo, Jose Luis Herrera, and Francesca Harvey, as class representatives.

7. The Court appoints CPT Group Class Action Administrators to serve as the settlement administrator and to carry out all duties and responsibilities of the Claims Administrator as specified in the Settlement.

8. The Court approves the method of disseminating notice to the Settlement Class in Spanish and English, as set forth in the Settlement. The Court approves the form and content of the Class Notice, and Dispute Form attached hereto and to the Settlement as Exhibits 1A and 1B. The Court finds that the proposed forms are reasonably clear and should be reasonably understandable to Settlement Class members. The Court finds that the proposed form and method of notice provided in the Settlement constitutes the best notice practicable under the circumstances, and will provide valid, due, and sufficient notice to the Settlement Class in full compliance with the requirements of applicable law, including Code of Civil Procedure section 382 and the Due Process Clause of the United States Constitution, and is the only notice to the Settlement Class of the Settlement that is required.

9. Not later than five (5) days from the date of this Order, Defendants' counsel shall provide to the Claims Administrator and Class Counsel with a list of all members of the Settlement Class, their last known addresses, telephone numbers, and social security or individual taxpayer identification numbers. Class Counsel shall supplement this information with any more recent contact information available for members of the Settlement Class and the Claims Administrator will request more recent address information from the U.S. Postal Service. The Claims Administrator shall be responsible for preparing, printing, and mailing to members of the Settlement Class the Class Notice and Dispute Form. A Spanish language translation (prepared by the Claims

1 Administrator) of all materials mailed to members of the Settlement Class shall be included as a part
2 of the same mailing.

3 10. No later than fourteen (14) days from the date of this Order, the Claims
4 Administrator shall send a copy of the Class Notice and Dispute Form to members of the Settlement
5 Class via First Class regular U.S. mail, postage prepaid, using the most current mailing address
6 information available. The date of the original mailing will be the Notice Date. For any Class
7 Notice returned to the Claims Administrator as non-deliverable within forty-five (45) days of the
8 Notice Date, the Claims Administrator shall make prompt and reasonable efforts to locate the
9 person involved, using appropriate search methods. If new address information is obtained, the
10 Claims Administrator shall promptly re-mail the Class Notice to the addressee via First Class
11 regular U.S. mail, postage prepaid, using the new address. If the Claims Administrator is unable to
12 obtain new address information with regard to any Class Notice returned as non-deliverable within
13 thirty (30) days following the Notice Date, or if a Class Notice is returned as non-deliverable more
14 than forty-five days (45) days following the original mailing date, the Claims Administrator shall be
15 deemed to have satisfied its obligation to provide the Class Notice to the affected member of the
16 Settlement Class through the original mailing. In the event the procedures in this paragraph are
17 followed and the intended recipient of the Class Notice does not receive the Class Notice, the
18 intended recipient shall nevertheless remain a member of the Settlement Class and shall be bound
19 by all the terms of this Settlement and the Order and Final Judgment.

20 11. Those members of the Settlement Class who wish to opt out of the settlement must
21 serve on the Claims Administrator a written statement opting out of the Settlement. Such written
22 statement must be served on the Claims Administrator and counsel for the Parties no later than sixty
23 (60) days from the Notice Date.

1 12. If the Settlement is finally approved and becomes effective, any Settlement Class
2 member who does not send a timely and valid written statement opting out of the Settlement shall
3 be a Settlement Class Member and shall be bound by all subsequent proceedings, orders, and
4 judgments in this Action, including, but not limited to, the release of claims as provided in the
5 Settlement.

6 13. Those members of the Settlement Class who wish to object to the Settlement must
7 serve on the Claims Administrator and on counsel for the Parties a written statement objecting to the
8 Settlement. Such written statement must be served on the Claims Administrator and on counsel for
9 the Parties no later than sixty (60) days from the Notice Date. The Claims Administrator will file
10 with this Court any objections received no later than three (3) court days from the deadline. No
11 member of the Settlement Class shall be entitled to be heard at the Settlement Fairness Hearing
12 (whether individually or through separate counsel) or to object to this Settlement, and no written
13 objections or briefs submitted by any member of the Settlement Class shall be received or
14 considered by the Court at the Settlement Fairness Hearing, unless written notice of the class
15 member's intention to appear at the Settlement Fairness Hearing, and copies of any written
16 objections or briefs, shall have been served on the Claims Administrator and on counsel for the
17 Parties no later than sixty (60) days from the Notice Date. Members of the Settlement Class who
18 fail to serve timely written objections in the manner specified above shall be deemed to have waived
19 any objections and shall be foreclosed from making any objection (whether by appeal or otherwise)
20 to the Settlement.
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24 14. Any Settlement Class member who submits a timely and valid written objection
25 ("Objector") may appear at the Fairness Hearing, either in person or through personal counsel hired
26 at the Objector's own expense. Any Settlement Class member who does not submit a timely and
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1 valid objection shall be deemed to have waived all objections to the Settlement and shall forever be
2 foreclosed from making any objection to the fairness, adequacy, or reasonableness of the Settlement
3 and any Final order and Final Judgment entered approving it, Class Counsel's application for
4 attorneys' fees, or any request for service or enhancement awards for the class representatives.

5 15. Those Settlement Class members who wish to dispute their estimated settlement
6 payment portion must submit a timely and properly completed Dispute Form to the Claims
7 Administrator, no later than ninety (60) days from the Notice Date. The Claims Administrator shall
8 calculate the amount of individual Settlement Awards based on a formula that takes into account the
9 number of shifts during the Class Period that each Eligible Class Member worked for Defendants.
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11 16. The Court will hold a final Fairness Hearing on September 7, 2017 at 8:30 a.m. to
12 determine whether the Settlement should be finally approved as fair, reasonable, and adequate to the
13 Settlement Class, whether Final Judgment should be entered dismissing the Action with prejudice,
14 and whether Class Counsel's application for an award of attorneys' fees and costs pursuant to the
15 Settlement should be approved.
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17 17. The Parties shall file any motions in support of final approval of the Settlement,
18 including Class Counsel's fee application, no later than August 31, 2017.

19 18. The Parties shall file any responses to any Objectors, and any reply papers in support
20 of final approval or Class Counsel's fee application by no later than September 1, 2017.
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22 19. At no time shall any of the Parties or their counsel seek, solicit or otherwise
23 encourage, directly or indirectly, members of the Settlement Class to submit written objections to
24 the settlement, to opt out, or to appeal from the Order and Final Judgment.

25 20. The date of the Fairness Hearing as provided in this Order and related deadlines may
26 be rescheduled by the Court upon notice to the Parties.
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21. This Order shall become null and void and shall be without prejudice to the rights of the Parties, all of whom shall be restored to their respective positions existing immediately before the Court entered this Order, if: (a) the Settlement is not finally approved by the Court, or does not become final, pursuant to the terms of the Settlement; or (b) the Settlement does not become effective pursuant to the terms of the Settlement for any other reason.

22. Pending the final determination of whether the Settlement should be approved, all proceedings in this Action, except as may be necessary to implement the Settlement or to comply with the terms of the Settlement, are hereby stayed.

23. The following chart summarizes the dates and deadlines set by this Order, which are also included in the Implementation Schedule, attached to the Martinez Declaration as Exhibit 1C:

Last day for Defendants to provide Claims Administrator with information pertaining to Settlement Class Members	No later than five (5) days of the date of this Order.
Notice Date	No later than fourteen (14) days from the date of this Order.
Dispute deadline	Sixty (60) days from Notice Date.
Opt-out deadline	Sixty (60) days from Notice Date.
Objection deadline	Sixty (60) days from Notice Date.
Last Day for (a) the Parties to file any motions in support of final approval of Settlement; and (b) Class Counsel to file their application for fees and costs	August 31, 2017
Fairness/Final Approval hearing	September 7, 2017

IT IS SO ORDERED.

Date: May 22, 2017



Hon. Barry Goode
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email=cxlit@contracosta.c
ourts.ca.gov, c=US
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HON. BARRY P. GOODE