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

ADELA MARTINEZ, individually and on behalf of all others similarly situated,

Plaintiff,

v.

CHIAWANA ORCHARDS, LLC, a Washington Limited Liability Company, and DOES 1-10, inclusive,

Defendant.

CASE NO. 19-2-04476-39

~~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

Civil Motions Docket

Date: April 3, 2020

Time: 1:30 PM

Moving Party

*clerk's action required

DA

1 On March 26, 2020, Plaintiff Adela Martinez (“Plaintiff”) filed an unopposed
2 motion in this putative class action lawsuit against Defendant Chiawana Orchards, LLC
3 (“Defendant” or “Chiawana Orchards”), for conditional certification of a settlement class in this
4 action, preliminary approval of the Parties’ proposed Settlement, approval of the Class Notice to
5 be sent to Class Members about the Settlement, and the setting of a date for the hearing on final
6 approval of the Settlement. The Court having read and considered the papers on the motion, the
7 arguments of counsel, and the law, and good cause appearing therefore,

8 **IT IS ORDERED:**

9 1. The following class of persons is certified as the Class in this action solely for the
10 purposes of the Settlement:

11 All individuals who (1) resided in Washington State and/or worked for Chiawana
12 Orchards, LLC, in Washington State, (2) were employed by Chiawana Orchards,
13 LLC in the position of hand harvester, pruner, picker, thinner, farm worker, or any
14 other similar position; (3) and who were paid on a piece-rate basis, at any time from
December 9, 2016 through the date of preliminary approval (“Class Period”)

15 2. The proposed Class satisfies the requirements of a settlement class because the
16 Class Members are readily ascertainable, and a well-defined community of interest exists in the
17 questions of law and fact affecting the Parties. The Class is estimated to include approximately
18 2,020 individuals.

19 3. The Parties’ Class Action Settlement Agreement and Release (the “Settlement
20 Agreement”) (Decl. of Craig Ackermann in Support of Preliminary Approval, Exhibit 1) is
21 granted preliminary approval as it meets the criteria for preliminary settlement approval. The
22 Court finds that, given the potential risks and defenses raised by Defendant and the range of
23 other comparable settlements, the Gross Settlement Amount here of \$248,000 falls within the
24 range of possible approval as fair, adequate and reasonable, was the product of arm’s-length and
25 informed negotiations, and appears to treat all Class Members fairly.

26 4. The Parties’ proposed Class Notice plan is constitutionally sound because

1 individual notices will be mailed to all Class Members whose identities are known to the parties.
2 The Class Notice will be disseminated in English and Spanish according to the notice plan
3 described in the Settlement Agreement and substantially in the form submitted by the parties. To
4 ensure that the Class Notice reaches as many Class Members as possible, the Claims
5 Administrator will take the class data provided by the Parties (which will include each Class
6 Member's name, last-known mailing address and telephone number, Social Security number,
7 and amount of Piece Rate Earnings) and update the addresses using the National Change of
8 Address database. After doing so, the Claims Administrator will mail the Class Notices. If any
9 of the Class Notices are returned by the U.S. Postal Service as undeliverable (*i.e.*, there is no
10 forwarding address), the Claims Administrator will perform "skip trace" address searches and
11 will re-mail notices to Class Members for whom new addresses are provided or are found. Proof
12 of distribution of notice will be filed by the parties at or prior to the final approval hearing. The
13 Parties' proposed Class Notice and Claim Form (Settlement Agreement, Exhibits A and B) are
14 sufficient to inform Class Members of the terms of the Settlement, their rights under the
15 Settlement (including, but not limited to, their right to submit claims, object to the Settlement,
16 and their right to request to be excluded from the Settlement), and the date and location of the
17 final approval hearing. The Class Notice plan provides the best notice practicable and, therefore,
18 is approved.

19 5. Any Class Member who wishes to submit a claim form or challenge their
20 calculated amount of Piece Rate Earnings during the Class Period or object to the Settlement,
21 including the Class Counsel requested attorney's fees and/or litigation costs, has until 75 days
22 after the mailing of the Class Notice to submit his or her claim form, comment, or objection,
23 pursuant to the procedures set forth in the Class Notice.

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

1 7.. The Court makes the following appointments: (1) Plaintiff Adela Martinez as
2 Class Representative; (2) Craig J. Ackermann and Brian W. Denlinger of Ackermann and Tilajef,
3 PC, Tatiana Hernandez of Law Office of Tatiana Hernandez, P.C., and India Lin Bodien of India
4 Lin Bodien, Attorney at Law, as Class Counsel; and (3) CPT Group, Inc., as the Claims
5 Administrator, pursuant to the terms set forth in the Settlement Agreement.

6 8. Defendant is directed to provide the Claims Administrator with the class data, as
7 specified by the Settlement Agreement, no later than 21 days after the date of this order.

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

11 10. A final hearing will be held on October 9, 2020, at 1:30pm,
12 to determine whether the Settlement should be granted final approval as fair, reasonable, and
13 adequate. The Court will hear all evidence and arguments necessary to evaluate the Settlement
14 and will consider the Class Representative's request for a Class Representative Payment and
15 Class Counsel's request for attorneys' fees and reimbursement of litigation costs. Class Members
16 and their counsel may oppose the Settlement and/or the motion for awards of the Class
17 Representative Payment, the Class Counsel Fees, and Class Counsel Litigation Expenses, if they
18 so desire, as set forth in the Class Notice.

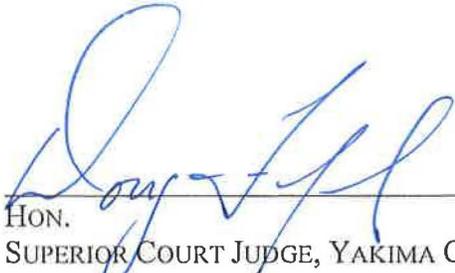
19 11. Plaintiff's motion in support of final approval, including any request for the Class
20 Counsel Fees Payment and Class Counsel Litigation Expenses Payment, must be filed no later
21 than 5 days before the final approval hearing.

22 12. Any Class Member may appear at the final approval hearing in person or by his
23 or her own attorney and show cause why the Court should not approve the Settlement, or object
24 to the motion for award of the Class Representative Payment and/or Class Counsel's requested
25 attorneys' fees and/or Class Counsel Litigation Expenses. The Court reserves the right to
26 continue the date of the final approval hearing without further notice to Class Members. The
27

1 Court retains jurisdiction to consider all further matters arising out of or in connection with the
2 Settlement.

3 **IT IS SO ORDERED:**

4
5 Date: April 2, 2020

6 
7 HON.
8 SUPERIOR COURT JUDGE, YAKIMA COUNTY

9 Presented by:

10 INDIA LIN BODIEN, ATTORNEY AT LAW
11 ACKERMANN & TILAJEF, PC
12 LAW OFFICE OF TATIANA HERNANDEZ, P.C.

13 
14 India Lin Bodien, WSBA No. 44898
15 Co-Counsel for Plaintiff and the Settlement Class

16 WALTER G. MEYER JR.

17 
18 Walter G. Meyer Jr., WSBA No. 1099
19 Counsel for Defendant