

FILED

MAR 25 2021

MICHELLE S. MARTINEZ, CLERK OF COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KINGS

Take Williams DEPUTY

1 John E. Hill, State Bar No. 45338
2 Enrique Martínez, State Bar No. 206884
3 LAW OFFICES OF JOHN E. HILL
4 333 Hegenberger Road, Ste. 500
5 Oakland, CA 94621
6 Telephone: (510) 588-1000
7 Facsimile: (510) 632-1445

8 *Attorneys for Plaintiffs & Putative Class*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF KINGS**
11 **(UNLIMITED JURISDICTION)**

12 MARTEL CUEVAS, PASCUAL ROBLES,
13 and CESAR OMAR GUTIERREZ, on behalf
14 of themselves and all others similarly situated,

15 Plaintiffs,

16 vs.

17 FLAVIO MARTINS, individually and d/b/a
18 TOP LINE DAIRY, MILK FLOW DAIRY,
19 MILK FLOW GOAT DAIRY, and VACA-
20 LINDA DAIRY; ROBERTO MARTINS,
21 individually; CRISTIANO MARTINS,
22 individually; and, DOES 1 through 50,
23 inclusive

24 Defendants.

Case No. 19C-0348

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES,
COSTS, SERVICE AWARDS, AND
CLAIMS ADMINISTRATION

Hon. Valerie R. Chrissakis

Date: March ²⁵ 12, 2021
Time: 10:30 a.m.
Dept: 8

1 This matter came on for hearing on March 12, 2021 in Department 8 of this Court on Plaintiffs
2 Martel Cuevas, Pascual Robles and Cesar Omar Gutierrez's unopposed Motion for Final Approval of
3 Class Action Settlement, Attorneys' Fees, Costs, Service Awards, Claims Administration ("Motion")
4 pursuant to California Rule of Court 3.769(g).

5 Having received and considered the proposed class action Settlement Agreement ("Settlement
6 Agreement")¹ between Plaintiffs Martel Cuevas, Pascual Robles and Cesar Omar Gutierrez
7 (collectively, "Plaintiffs") and Defendants Flavio Martins, Roberto Martins, and Cristiano Martins
8 (collectively, "Defendants"), preliminarily approved by the Court in its November 30, 2020 Order,
9 and having received and considered the supporting papers and evidence filed by the Parties, and the
10 argument in support of the Motion, the Court hereby GRANTS final approval of the Settlement and
11 **HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:**
12

13
14 The Court previously reviewed the Settlement Agreement and the exhibits thereto and
15 preliminarily approved that this litigation could be maintained as a class action for settlement
16 purposes and, therefore, it conditionally certified the following Settlement Class (the "Settlement
17 Class") for settlement purposes:

- 18 a. All non-exempt dairy workers employed by Defendants' dairies any time between
19 October 1, 2015 and September 15, 2019, excluding all of the Defendants' family
20 members, office workers, managers and employees who previously settled claims with
21 Defendants through the Labor Commissioner.

22 The Court appointed, for settlement purposes, the Law Offices of John E. Hill as Class
23 Counsel, Plaintiffs as representatives for the Settlement Class, and CPT Group, Inc. as the
24 Settlement Administrator.

25
26
27 ¹ Unless otherwise defined, capitalized terms used herein shall have the same meaning as defined in the Settlement
28 Agreement.

1 Pursuant to the Preliminary Approval Order issued on November 30, 2020, a Notice of
2 Class Action Settlement ("Notice") was mailed to all members of the Settlement Class by first-
3 class U.S. mail. The Notice informed the Settlement Class of the terms of the Settlement, of their
4 right to receive their proportional share of the Settlement Fund, of their right to comment upon or
5 object to the Settlement, and of their right to appear in person or by counsel at the Final Approval
6 hearing. Adequate periods of time were provided by each of these procedures.

7 No Eligible Class Member objected to the Settlement.

8 The Court hereby finds and determines that this Notice procedure afforded adequate
9 protections to Eligible Class Members and complied fully with Rule of Court 3.769, due process,
10 and all other applicable laws.

11 The Court further finds and determines that the terms of the Settlement are adequate, fair
12 and reasonable to Eligible Class Members and that the Settlement is ordered finally approved, and
13 that all terms and provisions of the Settlement Agreement should be and hereby are ordered to be
14 consummated.

15 The Court hereby confirms the Law Offices of John E. Hill as Class Counsel.

16 The Court hereby confirms Plaintiffs Martel Cuevas, Pascual Robles, and Cesar Omar
17 Gutierrez as the Class Representatives in this action.

18 The Court finds and determines that the individual Settlement Awards provided for by the
19 terms of the Settlement to be paid to each Eligible Class Member are fair and reasonable, and thus,
20 the Court gives final approval to and orders the payments of those amounts to be made in
21 accordance with the terms of the Settlement.

22 The Court finds that the Class Representative service award payment in the sum of \$10,000
23 to each Plaintiff is fair and reasonable. The Court hereby orders the Claims Administrator to make
24 this payment to the Class Representatives in accordance with the terms of the Settlement
25 Agreement.

26 The Court finds that the payment to be paid to the Claims Administrator in the sum of
27 \$18,000 for its fees and expenses incurred is fair and reasonable. The Court hereby orders the
28

1 Claims Administrator to make this payment to itself in accordance with the terms of the Settlement
2 Agreement.

3 Pursuant to the terms of the Settlement, and the authorities, evidence and argument
4 submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees in the sum of
5 \$225,000 and litigation costs of \$11,200. The Court finds such amounts to be fair and reasonable.
6 The Court hereby orders the Claims Administrator to make these payments in accordance with the
7 terms of the Settlement Agreement.

8 Nothing in this Order shall preclude any action to enforce the Parties' obligations pursuant
9 to the Settlement Agreement or pursuant to this Order, including the requirement that Defendants
10 make payments to Eligible Class Members, in accordance with the Settlement Agreement.

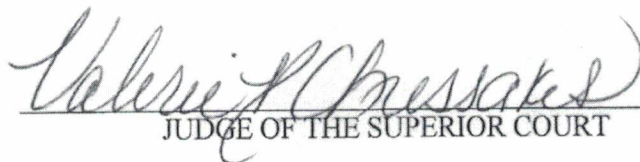
11 This final Order shall have res judicata effect and bar Plaintiffs and each Eligible Class Member
12 from bringing any action asserting Class Member Released Claims.

13 The Parties shall bear their own costs and attorneys' fees except as otherwise provided for
14 by the Settlement Agreement and this Court's Order Granting Final Approval.

15 Without affecting the finality of this Order, pursuant to Rule 3.769(h), the Court retains
16 jurisdiction over the parties and the action of all matters relating to the interpretation,
17 administration, implementation, effectuation and enforcement of this Order and the Settlement.

18
19
20 **IT IS SO ORDERED.**

21
22 DATED: 3/25/2021

23 
24
25
26
27
28
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE BY MAIL

-o0o-

1
2
3 Superior Court of the State of California } Case Number: 19C-0348
4 County of Kings ss. }

5
6 I hereby declare under penalty of perjury that I am employed by the Kings County Superior
7 Court, over the age of eighteen (18) years, and not a party to the within action.

8
9 That on March 25, 2021 I served the attached by placing a true copy thereof, enclosed in a
10 sealed envelope and deposited at my place of business for collection and mailing with the United States
11 mail at Hanford, California, following our ordinary business practices with which I am readily familiar,
12 addressed as follows:

13
14 Enrique Martinez
15 Law Office of John E. Hill
16 333 Hegenberger Road, Suite 500
17 Oakland, CA 94621

18 Sarah Hacker
19 Dias Law Firm, Inc
20 502 W. Grangeville Blvd
21 Hanford, CA 93230

22 Executed on March 25, 2021, at Hanford, California.

23 Michelle S. Martinez, Clerk of the Court

24 By: Jake Williams
25 Jake Williams, Deputy Clerk
26
27
28