

FILED
MAR 29 2016
FRESNO COUNTY SUPERIOR COURT
By _____ DEPT. 501

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF FRESNO**
14

15 ASUSENA AVALOS, VIRGINIA
CERCADO, LUIS ENRIQUE
16 MELCHOR, OFELIA PADILLA DE
ARIAS, and MARIA A. RAMIREZ on
17 behalf of themselves and on behalf of all
others similarly situated,

18 Plaintiffs,

19 v.

20 FOSTER POULTRY FARMS, INC., a
California Corporations, and DOES 1-50,
21 inclusive,

22 Defendants.
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) Case No. 11CECG00784 MWS

) ^{MWS}
) ~~[PROPOSED]~~ ORDER GRANTING FINAL
) APPROVAL OF CLASS ACTION
) SETTLEMENT, ATTORNEYS' FEES, COSTS,
) AND ENHANCEMENT AWARD

) [Filed Together with Declaration of
) Jennifer M. Keough and [Proposed]
) Judgment]

) Date: March 29, 2016
) Time: 3:30 p.m.
) Dept.: 501

1 Plaintiffs' unopposed motion for an order granting final approval of the settlement
2 of the above-captioned action on a classwide basis and motion for final approval of
3 attorneys' fees, costs, and enhancement award came on for hearing before the above-
4 entitled court.

5 Having read the unopposed motions for final approval, as well as the points and
6 authorities and declaration filed in support thereof, and having heard the parties'
7 argument, the Court finds that:

8 A. Based on a review of the papers submitted by Plaintiffs and a review of the
9 applicable law, the Court finds that the settlement, which was preliminarily approved by
10 the Court on October 15, 2015 (the "Settlement"), is fair, reasonable, and adequate.

11 B. The Court further finds that the Settlement was the result of arms'-length
12 negotiations conducted after Class Counsel had thoroughly and adequately investigated
13 the claims and became familiar with the strengths and weaknesses of those claims. In
14 particular, the amount of monies allocated to the Qualified Claimants, and the assistance
15 of an experienced mediator in the settlement process, among other factors, support the
16 Court's conclusion that the Settlement is fair, reasonable, and adequate.

17 **IT IS THEREFORE ORDERED THAT:**

18 1. The Court hereby grants final approval of the Settlement and directs the
19 parties to effectuate the Settlement's terms as set forth in the Amended Stipulation of
20 Class Settlement and Release Between Plaintiffs and Defendant ("Settlement
21 Agreement").

22 2. The Court hereby directs Defendant Foster Poultry Farms, Inc.
23 ("Defendant") to deposit the Total Settlement Fund in the amount of **\$7,630,947.00** by
24 electronically wiring the payment to The Garden City Group, Inc. ("GCG") no later than
25 fifteen (15) calendar days after the Effective Date in accordance with the Settlement
26 Agreement.

27 3. GCG shall calculate and administer the payments to be made to the
28 Settlement Class Members, the attorneys' fees and costs to Class Counsel as shall be

1 ordered by the Court, and service award to the Representative Plaintiffs pursuant to the
2 Settlement Agreement, all of which shall be deducted from the Total Settlement Fund.
3 GCG shall mail the individual Settlement Awards to the Settlement Class Members no
4 later than five (5) business days after Defendant deposits the Total Settlement Fund.
5 GCG is hereby directed to take all other actions in furtherance of the settlement
6 administration as specified in the Settlement Agreement.

7 4. The Court hereby grants final approval of attorneys' fees in the amount of
8 **\$2,733,360.00** and costs in the amount of **\$169,066.37** to the R. Rex Parris Law Firm and
9 The Downey Law Firm, LLC collectively. The Garden City Group, Inc. shall
10 electronically wire the attorneys' fees and costs to R. Rex Parris Law Firm and The
11 Downey Law Firm, LLC no later than 5 business days after Defendant deposits the Total
12 Settlement Fund.

13 5. The Court hereby grants final approval of an enhancement award in the
14 total amount of **\$20,000** payable from the Total Settlement Fund, allocated as follows:
15 \$5,000 to Representative Plaintiff Asusena Avalos, \$5,000 to Representative Plaintiff
16 Virginia Cercado, \$5,000 to Representative Plaintiff Luis Enrique Melchor, \$2,500 to
17 Representative Plaintiff Ofelia Padilla de Arias, and \$2,500 to Representative Plaintiff
18 Maria A. Ramirez. Payments shall be mailed by The Garden City Group, Inc. no later
19 than 5 business days after Defendant deposits the Total Settlement Fund.

20 6. The Court hereby grants final approval of the payment of **\$128,000.00** to
21 The Garden City Group, Inc. for administering the class action settlement in this case and
22 the payment of **\$50,000.25** to the California Labor and Workforce Development Agency,
23 Reference No. 12790, which shall be paid out of the Total Settlement Fund no later than
24 five (5) business days after Defendant deposits the Total Settlement Fund.

25 7. The Court hereby retains continuing jurisdiction over the enforcement and
26 administration of the settlement pursuant to California Rules of Court, Rule 3.769(h) and
27 California Code of Civil Procedure section 664.6.

1 **IT IS SO ORDERED.**

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3 DATE: 3/29/16

MARK W. SNAUFFER

Honorable Mark W. Snauffer
Fresno County Superior Court

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1 ATTACHMENT TO PROOF OF SERVICE

2 AVALOS, ASUSENA v. FOSTER POULTRY FARMS, INC.
3 FRESNO COUNTY CASE NO. 11CECG00784

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