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JS-6

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

MANUEL DE JESUS SANTIAGO-  
ALTAMIRANO, and others similarly  
situated,

Plaintiff,

v.

BETTER PRODUCE, INC., RANCHO  
DEL MAR, INC., C.J.J. FARMING,  
INC., and JUAN CISNEROS,  
Defendants.

Class Action Case No. 2:19-CV-3964-DDP

**ORDER GRANTING PLAINTIFFS’  
MOTION FOR FINAL APPROVAL OF  
CONSENT JUDGMENT AND CLASS  
ACTION STIPULATION AND FINAL  
JUDGMENT [179]**

Date: October 18, 2021  
Time: 10:00 A.M.

Plaintiffs’ motion for final approval of the Consent Judgment and Stipulation for  
Class Action Settlement reached with Defendants came for hearing on October 18, 2021.  
Good cause having been shown, Plaintiffs’ motion is **GRANTED** and **IT IS HEREBY  
ORDERED:**

1. Pursuant to the Preliminary Approval Order and the terms of the Consent  
Judgment and Stipulation for Class Action Settlement, the class Notice was mailed to  
Class Members via first class mail in Spanish. Class Members were also sent notice by  
WhatsApp text message (in Spanish) at their last available contacts provided, and a  
website was created and has remained continuously available. The website can be

1 viewed in Spanish and English and includes, among other things, viewable, printable  
2 and downloadable copies of the Notice in Spanish and English as well as settlement  
3 documents filed with the Court, answers to frequently asked questions about the  
4 settlement, key settlement dates, and options on how to contact Atticus and Class  
5 Counsel. *See* Decl. of C Longley (Doc. 179-2). The Court finds and determines that this  
6 notice procedure afforded the best practicable notice to class members and provides the  
7 basis for the Court to make an informed decision regarding approval of the Consent  
8 Judgment and Stipulation for Settlement based on the responses of class members. The  
9 Court finds and determines that the notice provided in this case was the best notice  
10 practicable, which satisfied the requirements of law and due process.

11 2. The Class as conditionally certified by the Preliminary Approval Order  
12 meets all of the legal requirements for class certification for settlement purposes under  
13 Federal Rule of Civil Procedure 23 and the class is appropriate for final certification for  
14 settlement purposes.

15 3. Considering the strength of the case and the risks of further litigation, the  
16 Court views the \$3,550,000.00 Settlement result as very favorable for the class.

17 4. There have been no exclusions or objections to the Settlement.

18 5. Class members are achieving an average net recovery of over \$2,200 each,  
19 which is significant for the low-wage workers in this case, and – according to Plaintiffs’  
20 counsel’s estimates – amounts to an average additional \$96 of compensation per week  
21 worked.

22 6. The Consent Judgment was negotiated at arm’s length, after contested  
23 motions, full discovery, and after a mediation with a retired judge.

24 7. Experienced Class Counsel, Dawson Morton and Santos Gomez, have  
25 worked ably and actively to vindicate the class members’ interests.

26 9. The Court finds reasonable the enhancement award requested for the  
27 pseudonymed Plaintiffs Carlos Rancho, Salvario Lopez, and Pedro Pancho in the  
28 amount of \$24,000 each. The Court also approves additional payment in the amount of

1 \$3,000 to each Opt-in Plaintiff who filed a consent to sue in this action which they did  
2 not seek to withdraw. The Pseudonymed Plaintiffs and Opt-in Plaintiffs stepped forward  
3 to continue this litigation, did not seek to end or withdraw it, and dedicated substantial  
4 efforts to benefiting the class.

5 10. Plaintiffs' request for \$958,500 in attorneys' fees (27% of the gross  
6 settlement amount) and \$65,000 in costs, with an additional \$22,232 in costs to be paid  
7 from any unclaimed funds, is approved as follows. The Court has reviewed Class  
8 Counsel's declaration and exhibits and finds the amounts are well-supported and  
9 justified for the results obtained in this matter including the substantial non-monetary  
10 relief.

11 a. Plaintiffs' fee request shall be paid proportionally with each payment  
12 made by Defendants under the Consent Judgment.

13 b. Plaintiffs' costs in the amount of \$65,000 shall be paid from the initial  
14 payment by Defendants under the Consent Judgment.

15 c. Plaintiffs' additional cost request is approved provided that unclaimed  
16 funds remain at the time of *cy pres* distribution after any redistribution pursuant to  
17 paragraph 3.18 of the Consent Judgment and Stipulation for Class Action Settlement.  
18 Plaintiffs' counsel shall be paid an additional \$22,232 in costs in advance of any *cy pres*  
19 distribution pursuant to the Consent Judgment.

20 11. The amount of \$31,750.00 shall be paid to the Settlement Administrator,  
21 Atticus Administration, LLC, from the Defendants' first payment pursuant to the  
22 Consent Judgment.

23 12. This Court shall retain jurisdiction for a period of three years from the date  
24 of final approval to enforce the terms of the consent judgment and this Order as  
25 previously provided in the Court's preliminary approval order.

26 The Court therefore **ORDERS** that the Consent Judgment and Stipulation for  
27 Class Action Settlement is **APPROVED** and **ENTERED** as an Order of this Court, the  
28 foregoing amounts shall be paid from the settlement fund.

1 Without affecting the finality of this order in any way, the Court retains  
2 jurisdiction of all matters relating to the interpretation, administration, implementation,  
3 effectuation, and enforcement of this order and the Consent Judgment for a period of  
4 three years from the date of this Order.

5 The Court also ORDERS Defendants compliance with the nonmonetary terms of  
6 the Consent Judgment contained in paragraph 3.6 of the Consent Judgment and  
7 Stipulation for Class Action Settlement.

8 Upon completion of administration of the Settlement, the Settlement  
9 Administrator will provide written certification of such completion to the Court and  
10 counsel for the parties.

11 Upon consideration of Plaintiffs' Motion, the Clerk is expressly directed to enter  
12 judgment against Defendants and in favor of Plaintiffs and the Plaintiff Class in the sum  
13 of \$3,550,000.00. The judgment shall read as follows:

14  
15 Defendants shall pay a total gross amount of three million five hundred and  
16 fifty thousand dollars (\$3,550,000.00). Defendants shall pay an initial  
17 payment of not less than forty (40%) percent, at least one million four  
18 hundred and twenty thousand dollars (\$1,420,000.00) within twenty-one  
19 days of this Judgment and Order. Defendants shall make a second payment  
20 of at least thirty percent of the judgment amount plus then accrued  
21 compound interest of four percent per annum no later than twelve months  
22 from the date of this Judgment and Order. Defendant shall make a final  
23 payment of the remaining amount, plus then accrued compound interest of  
24 four percent per annum, no later than twenty-four months from this Order.  
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1 In the event the Clerk does not act, this document shall constitute a FINAL  
2 JUDGMENT (and a separate document constituting the judgment) for purposes of Rule  
3 58, Federal Rules of Civil Procedure.

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5 Dated: October 26, 2021



United States District Judge

Hon. Dean D. Pregerson

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