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8 Attorneys for Plaintiffs Daisy Saldana,
9 Dolores De Marques and the Putative Class

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF MONTEREY

12 DAISY SALDANA and DOLORES DE
13 MARQUES, on behalf of themselves and all
14 others similarly Situated,

15 Plaintiffs,

16 v.

17 QUAIL CREEK FARMS, INC., a California
18 Corporation; and DQES 1-10, inclusive,

19 Defendants.

Complex Class Action
CASE NO.: 20CV003415
Filed: December 21, 2020

**~~PROPOSED~~ ORDER AFTER HEARING
GRANTING PLAINTIFFS’ MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: May 26, 2023
Time: 8:30 am
Dept: 15

Approved by Defense Counsel, Bradley J.
Levang, on May 26, 2023.

20 The motion of Daisy Saldana and Dolores De Marquez (“Plaintiffs”) for an order
21 granting preliminary approval of the class action settlement reached with Quail Creek
22 Farms, Inc. (“Defendant”), (Defendant and Plaintiffs are collectively referred to as the
23 “Parties”), as set forth in the Stipulation Regarding Class Action Settlement and Release of
24 Claims (the “Settlement”), came regularly on for hearing. Good cause having been shown,
25 Plaintiffs’ motion is GRANTED and IT IS HEREBY ORDERED:

26 1. The Court finds that all the requirements for class certification under Section 382
27 of the Code of Civil Procedure are satisfied with respect to, and preliminarily certifies for
28 settlement purposes, a settlement class comprised of all non-exempt piece-rate employees of
Defendant who were employed to trim cannabis during the period of December 21, 2016
through December 31, 2020 (“the Class Period”) in California (“Class Members”) (the
“Settlement Class”).

1 2. The Court appoints Plaintiffs as the class representatives of the Settlement
2 Class for the purposes of settlement.

3 3. The Court appoints Plaintiffs' counsel, Santos Gomez of the Law Offices of
4 Santos Gomez, as class counsel for the Settlement Class for the purposes of settlement.

5 4. The Court appoints Atticus Administration, LLC as the Settlement Administrator.

6 5. The Court preliminarily approves the Settlement as fair and reasonable and finds
7 that the manner for providing class members notice of the Settlement comports with Rule 3.766
8 of the California Rules of Court and the requirements of due process.

9 6. The Court approves the form and content of the proposed Class Notice of
10 Settlement attached as Exhibit A to this Order After Hearing Granting Plaintiffs' Motion for
11 Preliminary Approval of Class Action Settlement.

12 7. The Court directs mailing by the Settlement Administrator of the Class Notice of
13 Settlement (Exhibit A) by first class mail to the class members in accordance with the terms of
14 the Settlement.

15 8. The Court orders that, in accordance with the Settlement, class members shall
16 have 45 days after mailing of the Class Notice (Exhibit A) to make objections to the Settlement
17 or request exclusion from the Settlement.

18 9. The Court orders that, in accordance with the Settlement, any class member who
19 submits a valid and timely request to be excluded from the Settlement shall no longer be a
20 member of the class; shall be barred from participating in the Settlement; shall have no right to
21 object to the Settlement; and shall receive no benefit from the Settlement.

22 10. The Court orders that any class member who fails to submit a timely objection in
23 accordance with the Settlement may not be heard to oppose the Settlement at the Final Approval
24 Hearing unless otherwise ordered by the Court.


25 11. The Court sets a Final Approval Hearing for October 27, 2023 at 8:30 a.m. in
26 Department 15 of the Superior Court in and for the County of Monterey.

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1 15. The Court orders that Plaintiffs shall serve and file a motion for final approval of
2 the Settlement at least 16 court days before the Final Approval Hearing.

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4 Dated: May 26, 2023



Judge of the Superior Court
THOMAS W. WILLS

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EXHIBIT A

EXHIBIT “A”

NOTICE OF CLASS ACTION SETTLEMENT

Daisy Saldana et al. v. Quail Creek Farms, Inc.
Monterey County Superior Court Case No. 20CV003415

This Notice provides important information about a proposed Settlement in the putative class action lawsuit (the “Lawsuit”) brought by Daisy Saldana and Dolores De Marques (“Plaintiffs”) against Quail Creek Farms, Inc. (“Defendant”). This Notice covers your rights to participate in or exclude yourself from the Settlement.

A. Summary of the Claims

Plaintiffs allege that Defendants owe money to persons who worked as non-exempt employees to trim cannabis in California for Defendant (“Class Members”) from December 21, 2016 through December 31, 2020 (the “Class Period”). Plaintiffs allege that Defendant failed to comply with various wage and hour requirements. Specifically, Plaintiffs allege that Defendant did not: (1) pay Class Members overtime for hours worked in excess of eight hours per day or forty hours per week; (2) pay all wages at the correct rate for time spent in rest and recovery periods; (3) provide all required meal periods; (4) provide all required rest periods and (5) unfair competition. Derivative of these claims, Plaintiffs allege that Defendant did not provide Class Members with accurate wage statements and did not pay Class Members all the wages owed to them upon the termination of their employment, which they argue entitles them to statutory penalties.

Defendant denies all of Plaintiffs’ allegations. Defendant maintains that it has complied with all wage and hour laws during the Class Period. The Court has not ruled on whether or not Defendant has violated any laws or whether any Class Member is entitled to any money or other relief.

B. Why You Are Receiving This Notice

On [date, 2023], the Monterey County Superior Court (the “Court”) preliminarily approved the Settlement of the Lawsuit. According to Defendant’s records, you are a Class Member. Because you are a Class Member, you have the right to participate in, object to, or exclude yourself from the Settlement. This letter explains your legal rights and options with respect to the Settlement.

C. The Terms of The Settlement

Defendant has agreed to pay the Gross Settlement Amount of Four Hundred and Forty Thousand Dollars (\$440,000) in full and complete resolution of this Lawsuit. It is estimated that, after deducting the litigation costs (not to exceed \$12,500) and attorney’s fees (not to exceed \$110,000 or 25% of the Gross Settlement Amount) awarded to Class Counsel, the enhancement awarded to Plaintiffs (not to exceed \$15,000, or \$7,500 each), the cost to administer the Class Action to the Settlement Administrator (estimated at \$6,500), and the employer’s payroll taxes (estimated at \$6,000) approximately \$290,000 (the “Net Settlement Amount”) will be available for payment to Class Members. It is estimated that, if all Class Members (estimated at no more than 60) are located and do not opt out, each Class Member will on average receive about \$4,833.33 from the Net Settlement Amount.

D. Your Options

You have three options: (1) participate in the Settlement (which does not require any further action from you); (2) object to the Settlement; or (3) exclude yourself from the Settlement.

1. Participate In The Settlement

To receive your share of Settlement benefits, estimated at [tbd], you do not need to do anything more. Your estimated Settlement benefits are based on the [tbd] workweeks you worked for Defendant. As long as you do not exclude yourself from the Settlement by submitting a written exclusion request to Atticus Administration, LLC, the settlement administrator, you will receive whatever Settlement benefits you are entitled to following final approval of the Settlement and you will be bound by the release of claims in the Settlement, which means that you will not be able to sue the Defendant for any of the claims asserted against it in the Lawsuit, and settled through the Settlement. **If the Court approves the Settlement at the final approval hearing, the Settlement payments to you and the other Class Members are expected to receive a payment before the end of December 2023.** Unless you update your address with Atticus Administration, LLC, by sending a change of address request by e-mail [address], fax [number], mail [address], or calling [number], your payment will be mailed to the address where this Notice was sent.

2. Object to The Settlement

As long as you do not exclude yourself from the Settlement, you have the right to object to the Settlement. The objection must be in writing and must be sent by [date] by regular mail, e-mail, or fax to the Settlement Administrator at the following address: [insert]. The Court will rule on your objection at the Final Class Settlement Approval Hearing discussed below.

3. Exclude Yourself From The Settlement

If you wish to exclude yourself from the Settlement, you must submit a written request for exclusion. The exclusion request must be sent by [date] by regular mail, e-mail, or fax to the Settlement Administrator at the following address: [insert].

Class Members who submit a valid and timely request for exclusion will not be entitled to recover any Settlement benefits or object to the Settlement, but they will retain the right to bring any claims they may have against Defendant. Any Class Member who does not exclude himself or herself from the Settlement will, upon final approval of the Settlement, be bound by the release of claims against Defendant and lose the right to sue Defendant for any of the claims asserted against Defendant in the Lawsuit, and the additional rest period claim.

E. Release of Claims

Unless you exclude yourself from the Settlement, upon final approval of the Settlement by the Court, you will be deemed to have released any and all claims against Defendant and any former and present parent, subsidiary, and affiliated corporations, and their owners, officers, directors, employees, partners, shareholders and agents, and any other successors, assigns, or legal representatives (“Released Parties”), from any and all claims, rights, demands, liabilities and causes of action under California law giving rise to potential liability for acts or omissions during the Release Period which were asserted in the Complaint or which could have been asserted based on the facts alleged in the Complaint arising at any time during the Class Period. The Released Claims include, to the extent based on the facts alleged in the Complaint, claims for: failure to pay overtime wages, failure to pay wages at the correct rate for time spent in rest and recovery periods; failure to provide required meal periods; failure to provide accurate wage statements; claims for waiting time penalties; unfair competition; and claims for costs and attorneys’ fees in connection therewith (other than as payable under this agreement). Plaintiffs are also releasing the rest period claim which they discovered and resolved during the course of the litigation.

F. Final Class Settlement Approval Hearing

The Court has scheduled a Final Class Settlement Approval Hearing for October 27, 2023 at 8:30 a.m. in Department 15 of the Monterey County Superior Court, located at 1200 Aguajito Road, Monterey CA, 93940. At the Final Class Settlement Approval Hearing, the Court will decide whether to grant final approval to the Settlement. The Court will also rule on the application by Plaintiffs for an award of attorney’s fees (not to exceed \$110,000 or 25% of the Gross Settlement Amount), costs (not to exceed \$12,500), the Settlement Administrator’s fee (\$6,500), a service enhancement to Plaintiffs (not to exceed \$15,000, or \$7,500 each), and the employer’s share of payroll taxes (estimated at \$6,000). You have the right to attend the Final Class Settlement Approval Hearing and, if you objected to the Settlement, address the Court. You also have the right to retain an attorney, at your own expense, to speak on your behalf.

G. Where To Get More Information

If you want more information about the lawsuit or the Settlement, you can contact the Settlement Administrator, or the attorney for the class at the address or telephone numbers listed below or any other advisor of your choice.

Atticus Administration, LLC

[Atticus to include their contact information here]

The Settlement Administrator has established a website which has links to this Class Notice and other documents related to the proposed settlement. The website is: [URL].

LAW OFFICES OF SANTOS GOMEZ
1003 Freedom Boulevard, Watsonville, CA 95076
Telephone: (831) 228-1560; Cellular Number: (805) 236-1743

You can also view and obtain copies of lawsuit related documents in the Court's file by going to the clerk's office located at 1200 Aguajito Road, Monterey, California 93940.

DO NOT CONTACT THE COURT WITH QUESTIONS