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12 *Attorneys for Plaintiffs and the Proposed Class*

13   IN THE UNITED STATES DISTRICT COURT
           FOR THE NORTHERN DISTRICT OF CALIFORNIA
14   SAN JOSE DIVISION

15 RIGOBERTO SARMIENTO and GUSTAVO   CIVIL ACT. NO.: 5:20-cv-7974-BLF
    LUEVANO-VACA and others similarly situated,
16   **REVISED [PROPOSED] ORDER
                     Plaintiffs,   GRANTING PRELIMINARY
17   APPROVAL OF SETTLEMENT OF
         vs.   CLASS ACTION AND PAGA CLAIMS**
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19 FRESH HARVEST, INC., et al.   AS MODIFIED BY THE COURT
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21   Defendants.
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25   Plaintiffs Rigoberto Sarmiento and Gustavo Luevano-Vaca's Motion for Preliminary

26 Approval of Settlement of Class Action and PAGA Claims (the "Settlement") reached with

27 Defendants Fresh Harvest, Inc., Fresh Foods, Inc., Rava Ranches, Inc., and SMD Logistics, Inc.

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("Defendants"), came on for hearing on April 13, 2023. Good cause having been shown, Plaintiffs' Motion is GRANTED and IT IS HEREBY ORDERED:

1.   The Court grants preliminary approval of the Settlement, and preliminarily finds the terms of the Settlement to be fair, reasonable and adequate under Rule 23(e) of the Federal Rules of Civil Procedure, including the amount of the settlement fund; the amount of distributions to class members; non-monetary relief protecting class members from repayment claims for prior out-of-court payments; the procedure for giving notice to class members; the procedure for objecting to or opting out of the Settlement; and the maximum amounts allocated to incentive payments, costs and attorney's fees.

2.   The Court preliminarily certifies for settlement purposes the Settlement Class described in the Settlement, comprised of 198 persons that worked for Defendants as hourly commercial drivers, excluding bus drivers, who operated over-the-road highway vehicles in excess of 26,000 pounds gross vehicle weight in California or Arizona at any time during the period of November 12, 2016 to December 10, 2022 as an H-2A worker or a domestic worker.

3.   The Court appoints Plaintiffs as representatives for the Settlement Class.

4.   The Court appoints Dawson Morton and Santos Gomez of Law Offices of Santos Gomez and Eve Cervantez and Connie Chan of Altshuler Berzon, LLP as counsel for the Settlement Class.

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

6.   The Court directs the Settlement Administrator to provide notice to class members as set forth in the Settlement.

7.   The Court orders that the deadlines for members of the Settlement Class to opt out of the settlement or to object to the Settlement shall be the date 60 days after the date of mailing or transmission of the class notice by the Settlement Administrator.

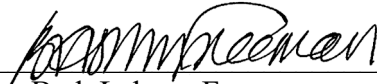8.   The Court orders that Plaintiffs shall file their Motion for Attorneys' Fees and Costs and Service Awards no later than June 27, 2023.

9.   The Court orders that Plaintiffs shall file their Motion for Final Approval no later than September 14, 2023.

October 26, 2023,

1   10.   The Court orders that a Final Fairness Hearing is scheduled for ~~October 19, 2023~~ at

2   9:00 a.m. At the Final Fairness Hearing the Court will consider whether the Settlement should be

3   finally approved as fair, reasonable and adequate under Rule 23(e) of the Federal Rules of Civil

4   Procedure and rule on the motion for attorney's fees, costs and incentive payments to be submitted

5   by Plaintiffs.

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7   Dated: _____April 14, 2023_____   _____

8   Hon. Beth Labson Freeman
                                                 United States District Judge

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REVISED [~~PROPOSED~~] ORDER GRANTING PRELIMINARY APPROVAL; Case No. 5:20-cv-7974-BLF