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21 SUPERIOR COURT OF CALIFORNIA

22 COUNTY OF KERN

23 DULCE MARIA SANTACRUZ SANCHEZ and
24 SALUD SANTACRUZ, individuals on behalf of
25 themselves, the State of California, as private
26 attorneys general, and on behalf of all others
27 similarly situated,

28 Plaintiffs,

v.

GOLDEN LABOR SERVICES, LLC, a California
Limited Liability Company; PACIFIC AG
MANAGEMENT, INC., a California Corporation;
and DOES 1 to 50, inclusive,

Defendants.

Case No. BCV-20-102729

**JOINT STIPULATION TO APPROVE
SUPPLEMENTAL NOTICE BY
PUBLICATION, INCREASE
SETTLEMENT ADMINISTRATION
COSTS, AND CONTINUE FINAL
APPROVAL HEARING DATE**

Date Action Filed: 11/20/20

Trial Date: None Set

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Attorneys for Plaintiffs, the Punitive Class, and the Aggrieved Employees

1 **TO THE HONORABLE COURT, PARTIES, AND ATTORNEYS OF RECORD:**

2 Plaintiffs Dulce Maria Santacruz Sanchez and Salud Santacruz (“Plaintiffs”) and
3 Defendants Golden Labor Services, LLC and Pacific Ag Management, Inc. (“Defendants”)
4 (collectively, the “Parties”), respectfully submit the following Joint Stipulation to Approve
5 Supplemental Notice by Publication and Broadcast, Increase Settlement Administration Costs,
6 and Continue Final Approval Hearing Date.

7 WHEREAS, on January 6, 2022, the Court held a hearing on Plaintiffs’ Motion for
8 Preliminary Approval of Class Action Settlement and issued an Order granting preliminary
9 approval of the settlement (“Order”);

10 WHEREAS, per the Court’s Order, Notice to the Settlement Class was to be mailed by
11 February 3, 2022 (resulting in a response deadline of March 21, 2022);

12 WHEREAS, due to unforeseen delays as a result of the format and condition of the
13 multiple data files containing class member information, Defendants provided the class contact
14 information to the Court appointed third-party administrator, ILYM Group Inc., (“ILYM”) on
15 February 7, 2022, and the PAGA Class payments based on Pay Periods on March 9, 2022;

16 WHEREAS, ILYM subsequently advised Defendants that in reviewing the data provided
17 by Defendants, a few discrepancies were identified, and thus, Defendants worked with ILYM to
18 resolve such discrepancies;

19 WHEREAS, on June 3, 2022, Defendants provided ILYM with an updated list with the
20 Class information that resolved the discrepancies identified by ILYM;

21 WHEREAS, on June 7, 2022, ILYM informed Defendants that additional discrepancies
22 were discovered, including duplicates and missing addresses and/or Social Security numbers,
23 and thus, on June 15, 2022, Defendants provided ILYM with an updated Class list that sought to
24 resolve all or most of the discrepancies identified by ILYM;

25 WHEREAS, as a result of the foregoing, the Parties filed a stipulation, requesting a
26 continuance of the hearing of the Motion for Final Approval of the Class Action Settlement,
27 which the Court approved on July 14, 2022, and ordered that the hearing be continued from July
28 26, 2022, to December 5, 2022;

1 WHEREAS, on July 26, 2022, ILYM informed Defendants that after reviewing the data
2 provided for 3,541 potential class members, and that after using the resources typically utilized
3 by settlement administrators to locate potential class members, ILYM's skip tracing efforts,
4 ILYM was unable to locate a mailing address for 659 potential class members out of the 3,541
5 potential class members;

6 WHEREAS, on August 23, 2022, Defendants provided revised class contact information
7 to ILYM, for 110 of the 659 potential class members whose mailing address could not be located;

8 WHEREAS, due to unforeseen delays as a result of Defendants attempting to identify and
9 locate the addresses for the 659 of the 3,541 potential settlement class members, and provide that
10 information to the settlement administrator, mailing of the notice packets to the settlement class
11 members for whom addresses were located has not yet taken place;

12 WHEREAS, as of today's date, ILYM has been unable to locate a mailing address for
13 545 potential class members;

14 WHEREAS, pursuant to California Rule of Court 3.776(f), the Court has the authority
15 and discretion to order notice by publication, broadcasting, or other means "reasonably calculated
16 to apprise the class members of the pendency of the action" where it appears that it will not be
17 possible to notify all members personally. *See* C.R.C. 3.776(f);

18 WHEREAS, with respect to those class members for whom Defendants and ILYM were
19 unable to locate address information, the Parties wish, at the commencement of the Notice Period,
20 for the Settlement Administrator to provide media notice through running an advertisement on
21 multiple media sites such as Facebook, YouTube, Google and others targeting users in California
22 that states "Did you work for Golden Labor Services, LLC at Pacific Ag Management, Inc. in
23 Kern County between November 16, 2016, and October 31, 2021. Please click the link to see if
24 you may be entitled to monetary compensation." and (ii) provides a link to the Settlement Website.
25 This advertisement will run for 45 consecutive days. This advertisement will run starting no later
26 than 10 business days from the Court's approval of the Notice by Publication or December 19, 2022.
27 Mock-ups of the proposed advertisement for the various websites are attached as Exhibit A to the
28 Declaration of Sean Hartranft in support of Stipulation and Proposed Order Regarding

1 Supplemental Noticing and Revised Administrative Costs.

2 WHEREAS, class members who received notice by media publication will have 60 days
3 to respond, or until February 17, 2023, to object or request exclusion.

4 WHEREAS, after accounting for the decreased administration cost associated with
5 mailing fewer notices than originally anticipated, as well as the additional data analysis costs
6 and costs of providing notice by publication with Facebook, YouTube, Google, and other
7 websites, ILYM has provided an updated bid to administer the settlement showing the original
8 administrative costs not to exceed bid of \$20,000 increased \$5,000 to a revised bid of not to
9 exceed \$25,000 for its administrative cost. (See Exhibit B in attached Declaration of Sean
10 Hartranft in support of Stipulation and Proposed Order regarding Supplemental Noticing and
11 Revised Administrative Costs);

12 WHEREAS, ILYM has indicated it will be able to finalize and mail notices to settlement
13 class members with address information within 10 business days of the Court approving the
14 updated administration bid and implementation schedule (which the Parties anticipate will
15 occur by December 5, 2022) or no later than Monday, December 19, 2022;

16 WHEREAS, the hearing on Plaintiffs' Motion for Final Approval of Class Action
17 Settlement is currently scheduled for December 5, 2022 (which will be less than 16 court days
18 for Class Counsel to file its Motion for Final Approval of Settlement prior to the updated
19 response deadline);

20 NOW, THEREFORE, it is hereby stipulated by and between the Parties and respectfully
21 requested that the Court GRANT the Parties' request:

- 22 • The settlement administrator will finalize and mail notices to settlement class
23 members with address information within 10 business days of the Court approving
24 the updated administration bid and implementation schedule (which the Parties
25 anticipate will occur by December 5, 2022) or no later than Monday, December 19,
26 2022;
- 27 • The settlement administrator will provide supplemental media notice by publication
28 through running a banner advertisement on Facebook, YouTube, Google, and other


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websites, at the commencement of the Notice Period (but no later than December 19, 2022), targeting users in California that states “Did you work for Golden Labor Services, LLC at Pacific Ag Management, Inc. in Kern County between November 16, 2016, and October 31, 2021. Please click the link to see if you may be entitled to monetary compensation.” and (ii) provide a link to the Settlement Website. This advertisement will run for 45 consecutive days. This advertisement will run starting no later than 10 business days from the Court’s approval of the Notice by Publication or December 19, 2022. The advertisement will contain the text submitted in Exhibit A;


- Approve the updated settlement administration costs of up to \$25,000; and
- Continue the hearing on Plaintiffs’ Motion for Final Approval of Class Action Settlement approximately 120 days (to April 2023) or as soon thereafter as the Court is available.

IT IS SO STIPULATED.

Dated: November 15, 2022 COLEMAN & HOROWITT, LLP

By: 
GREGORY J. NORYS
Attorneys for Defendant GOLDEN
LABOR SERVICES, LLC


Dated: November 15, 2022 BELDEN BLAINE RAYTIS, LLP

By: 
JAZMINE FLORES
Attorneys for Defendant Pacific Ag
Management, Inc.

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Dated: November 15, 2022

MELMED LAW GROUP, P.C.

By: 

JONATHAN MELMED
Attorneys for Plaintiffs the Putative Class
and the Aggrieved Employees

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) SS
COUNTY OF FRESNO)

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen (18) years and not a party to the within-entitled action. My business address is 499 West Shaw, Suite 116, Fresno, California 93704. On November 15, 2022, I served the within document(s):

JOINT STIPULATION TO APPROVE SUPPLEMENTAL NOTICE BY PUBLICATION

- BY ELECTRONIC TRANSMISSION:** By electronically serving the documents to the electronic mail address set forth below on this date before 11:59 p.m. pursuant to California Judicial Council's Emergency Rule 12 consistent with Code of Civil Procedure section 1010.6 a 2, 4 and 5.
- BY FAX:** By transmitting via facsimile transmission the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- BY MAIL:** By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Fresno, California, addressed as set forth below.
- BY OVERNIGHT COURIER:** By causing the document(s) listed above to be picked up by an overnight courier service company for delivery to the address(es) listed below on the next business day.

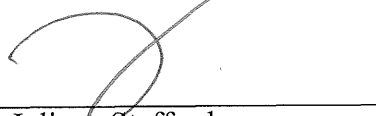
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Attorneys for Defendant PACIFIC AG
MANAGEMENT, INC.

I am readily familiar with the firm's practices of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 15, 2022, at Fresno, California.



Juliana Stafford