

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Shaun Setareh (SBN 204514)
shaun@setarehlaw.com
William M. Pao (SBN 219846)
william@setarehlaw.com
Jose Maria D. Patino, Jr. (SBN 270194)
jose@setarehlaw.com
SETAREH LAW GROUP
9665 Wilshire Blvd., Ste. 430
Beverly Hills, California 90212
Tel: (310) 888-7771
Fax: (310) 888-0109

Attorneys for Plaintiffs,
DALE M. LACROIX and ALEJANDRO HARO

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF MERCED
UNLIMITED JURISDICTION

DALE M. LACROIX and ALEJANDRO HARO, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

FOSTER FARMS, LLC, a California limited liability company; FOSTER POULTRY FARMS, a California corporation, ; and DOES 1 through 50, inclusive,

Defendants.

Case No. 19CV03393

Assigned for All Purposes to the Honorable Brian McCabe, Department 8

~~PROPOSED~~ ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Date: February 4, 2022
Time: 8:15 a.m.
Place: Department 8

Complaint filed: February 1, 2019

FILED
MERCED COUNTY
22 FEB -4 AM 9:25
CLERK OF THE SUPERIOR COURT
Samuel S. ...
DEPUTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

On February 1, 2019, Plaintiff DALE M. LACROIX filed a class action against Defendant FOSTER FARMS, LLC and FOSTER POULTRY FARMS (“Defendant”) in the Superior Court of California, County of Santa Clara entitled, *DALE M. LACROIX, on behalf of himself, all others similarly situated vs. FOSTER FARMS, LLC, a California limited liability company; FOSTER POULTRY FARMS, a California corporation; and DOES 1 through 50, inclusive*, Case No. 19CV342011 (the “Action”) asserting claims related to alleged failure to make proper disclosures in violation of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681, *et seq.*, the California Investigative Consumer Reporting Agencies Act (“ICRAA”) (Cal. Civ. Code § 1786, *et seq.*), the California Consumer Credit Reporting Agencies Act (“CCRAA”) (Cal. Civ. Code § 1785, *et seq.*, and the California Business & Professions Code §§ 17200 *et seq.*

NOW THEREFORE, having read and considered the Class Action Settlement Agreement and Release of Claims (“Agreement”) and the exhibits thereto, **IT IS HEREBY ORDERED:**

1. This Order hereby incorporates by reference the definitions of the Agreement as though fully set forth herein, and all terms used herein shall have the same meaning as set forth in the Agreement. The Court hereby adopts the Agreement, as set forth below.

2. The Court conditionally certifies and approves, for settlement purposes only, a “Settlement Class” defined as follows: all individuals on whom Defendant obtained a consumer report between February 1, 2014 and July 31, 2020. Individuals falling within the definition of the Settlement Class will be referred to as “Class Members.”

3. Shaun Setareh and William M. Pao of Setareh Law Group (“Class Counsel”) shall represent the Settlement Class for purposes of the Settlement in this Action. Any Settlement Class Member may enter an appearance in the Action, at their own expense, either individually or through counsel of their own choice. However, if they do not enter an appearance, they will be represented by Class Counsel.

4. The Class Representatives shall be Plaintiffs, Dale M. Lacroix, Jr. (“Lacroix, Jr.”) and Alejandro Haro. The Court notes that Lacroix, Jr. died on February 4, 2021 and that the successor to the decedent is his father, Dale M. Lacroix, Sr., representing Lacroix, Jr.’s interests in the Settlement.

1 If the Settlement is finally approved by this Court, Mr. Lacroix, Sr. shall receive, on behalf of the
2 decedent Lacroix, Jr., any award or share provided for Lacroix, Jr. therein, as approved by the Court.

3 5. The Court hereby preliminarily approves the proposed Settlement upon the terms,
4 conditions, and all release language set forth in the Agreement attached to the Declaration of Shaun
5 Setareh in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and
6 Certification of Settlement Class as **Exhibit 1**. The Court finds that the Settlement appears to be
7 within the range of reasonableness necessary for preliminary approval by the Court. It appears to the
8 Court that the Settlement terms are fair, adequate, and reasonable as to all potential class members
9 when balanced against the probable outcome of further litigation, given the risks relating to liability
10 and damages. It further appears that extensive and costly investigation and research has been
11 conducted such that counsel for the Parties at this time are reasonably able to evaluate their respective
12 positions. It further appears to the Court that the Settlement at this time will avoid substantial
13 additional costs by all parties, as well as the delay and risks that would be presented by the further
14 prosecution of the Action. It appears that the Settlement has been reached as a result of intensive,
15 arms-length negotiations utilizing an experienced third party neutral.

16 6. The Court confirms American Legal Claims Services as the Settlement Administrator
17 and preliminarily approves that settlement administration costs shall be paid from the Gross Settlement
18 Amount (as that term is defined in the Settlement). The cost of administration includes all tasks
19 required of the Settlement Administrator by this Agreement, including the issuance of the Notice of
20 Class Action Settlement and other documents as explained in the Joint Agreement. American Legal
21 Claims Services is directed to perform all other responsibilities set forth for the Settlement
22 Administrator as set forth in the Agreement.

23 7. A Final Approval Hearing shall be held on April 29, 2022 8:15 CR 8
24 before the Honorable Brian McCabe in Department 8 of the above-referenced Court. The purpose of
25 the Final Approval Hearing will be to: (a) determine whether the proposed Agreement should be
26 approved by the Court as fair, reasonable, and adequate; (b) determine the reasonableness of Class
27 Counsel's request for attorneys' fees and costs; (c) determine the reasonableness of the Service Awards
28 requested for Plaintiffs; and (d) Order entry of Judgment in the Action.

1 8. The Court hereby approves, as to form and content, the Postcard Notice of Class Action
2 Settlement (“Postcard Notice”) attached as **Exhibit A** to the Agreement and the Long-Form Notice of
3 Class Action Settlement (“Long-Form Notice”) attached as **Exhibit B** to the Agreement. The Court
4 finds that the mailing and distribution of the Postcard Notice and the posting to the Settlement Website
5 of the Long-Form Notice in the manner set forth in Agreement meet the requirements of due process
6 and are the best notice practicable under the circumstances and shall constitute due and sufficient
7 notice to all persons entitled thereto.

8 9. The Court directs the Settlement Administrator to mail the Postcard Notice via First
9 Class U.S. Mail to the Class Members, to establish a website for the Settlement, and to post the Long-
10 Form Notice and other documents in accordance with the schedule and procedures set forth in the
11 Agreement. The Court finds that the procedures selected for the mailing of the Class Notice meet the
12 requirements of due process, provide the best notice practicable under the circumstances, and
13 constitute due and sufficient notice to all persons entitled to notice.

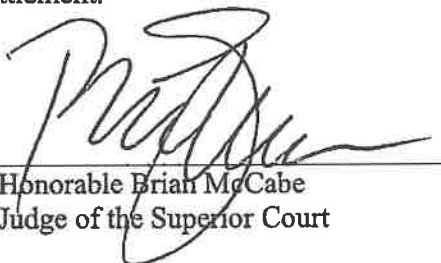
14 10. All papers in support of final approval of the Settlement and any applications for
15 attorneys’ fees and reimbursement of litigation expenses, for expenses associated with or incurred to
16 the Settlement Administrator, and for service awards to the Class Representatives, including all
17 evidence in support thereof shall be filed no later than April 1, 2022.

18 11. The Court reserves the right to adjourn the date of the Final Approval Hearing without
19 further notice to the Class Members and retains jurisdiction to consider all further applications arising
20 out of or connected with the proposed Agreement.

21 12. All further proceedings in this Action shall be stayed except such proceedings
22 necessary to review, approve, and implement this Settlement.

23 **IT IS SO ORDERED.**

24
25 Dated: FEB 04 2022



Honorable Brian McCabe
Judge of the Superior Court

26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am a citizen of the United States and am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 9665 Wilshire Boulevard, Suite 430 Beverly Hills, CA 90212.

On January 7, 2022, I served the foregoing documents described as:

[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

in this action by transmitting a true copy thereof addressed as follows:

Christina J. Rowley, Esq.
crowley@seyfarth.com
Seyfarth Shaw LLP
560 Mission Street, 31st Floor
San Francisco, CA 94105
**Attorneys for Foster Farms, LLC
and Foster Poultry Farms**

Pamela Q. Devata, Esq.
pdevata@seyfarth.com
John W. Drury, Esq.
jdrury@seyfarth.com
Seyfarth Shaw, LLP
233 South Wacker Drive, Suite 800
Chicago, IL 60606
**Attorneys for Foster Farms, LLC
and Foster Poultry Farms**

Eric Suits, Esq,
esuits@seyfarth.com
Seyfarth Shaw LLP
400 Capitol Mall, Suite 2350
Sacramento, CA 95814
**Attorneys for Foster Farms, LLC
and Foster Poultry Farms**

ONLY BY ELECTRONIC TRANSMISSION

Only by e-mailing the document(s) to the persons at the e-mail address(es) listed based on notice provided on January 11, 2021 that, during the Coronavirus (COVID-19) pandemic, this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 7, 2022, at Beverly Hills, California.



Lauren Farrington