

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

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**JESUS BEJINES-GONZALEZ, :**  
**ABRAHAAM SAYAGO-HERNANDEZ, :**  
**MARGARITO OSORIO-JIMENEZ, and :**  
**LOIDA OSORIO-JIMENEZ and all others :**  
**similarly situated, :**

Plaintiffs, :

v. :

**SOUTHERN VALLEY FRUIT & :**  
**VEGETABLE, INC.; HAMILTON :**  
**GROWERS, INC.; KENT HAMILTON; :**  
**HAMILTON FARMS MEX, L.P.; HAMILTON :**  
**PRODUCE, L.P.; KENDA PROPERTIES, :**  
**L.P.; WK HOLDINGS, LLC; WK MEX :**  
**PROPERTIES, L.P.; and WKW, LLC, :**

Defendants. :

Civil Action No.: 7:19-cv-55-HL

Rule 23 Class

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**ORDER**

This matter is before the Court upon the Motion for Preliminary Approval of Stipulation for Class Action Settlement (“Motion”) of Plaintiffs Jesus Bejines-Gonzalez, Abrahaam Sayago-Hernandez, Loida Osorio-Jimenez, and Margarito Osorio-Jimenez (“Plaintiffs”) seeking preliminary approval of the Stipulation for Class Action Settlement, Affirmative Relief, and Release of Claims (the “Settlement”) reached with Defendants Southern Valley Fruit & Vegetable, Inc., Hamilton Growers, Inc., Kent Hamilton, Hamilton Farms Mex, L.P., Hamilton

Produce, L.P., Kenda Properties, L.P., WK Holdings, LLC, WK Mex Properties, L.P., And WKW, LLC. (Doc. 29).

Plaintiffs are farm laborers who worked for Defendants. The parties' Settlement seeks to resolve Plaintiffs' claims under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.*, the Migrant Seasonal Agricultural Worker Protection Act ("AWPA"), 29 U.S.C. § 1801, *et seq.*, and state common law. Plaintiffs allege that Defendants failed to pay their overtime wages and to reimburse them for their travel expenses. (Doc. 29-1).

Having considered Plaintiffs' materials submitted in support of the application, Plaintiffs' motion is **GRANTED**.

The Court hereby **ORDERS** as follows:

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 regarding rehire of the Retaliation Plaintiffs; the procedure for giving notice to class members; the procedure for objecting to or opting out of the Settlement; and the maximum amounts allocated as additional compensation, costs and attorney's fees.

2. The Court preliminarily certifies for settlement purposes the Settlement Class described in the Settlement, comprised of individuals who

worked for Defendants under the terms of an H-2A visa in a packing facility position during the period of April 11, 2013 to December 31, 2018.

3. The Court appoints Plaintiffs Jesus Bejines-Gonzalez and Abrahaam Sayago-Hernandez as representatives for the Settlement Class.

4. The Court appoints Dawson Morton and Patricia Kakalec 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. The Court approves the distribution proposal as set out in the motion for preliminary approval.

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 45 days after the date of mailing of the class notice by the Settlement Administrator.

8. The Court orders that a Final Fairness Hearing, at which time the Court will consider whether the Settlement should be finally approved as fair, reasonable and adequate under Rule 23(e) of the Federal Rules of Civil Procedure and rule on the motion for attorney's fees, costs and additional payments as submitted by Plaintiffs (Doc. 30), is scheduled for November 3, 2021.

9. The Parties will submit a Joint Motion for Final Approval not later than 20 calendar days before the date of the Final Approval Hearing.

**SO ORDERED**, this 12th day of July, 2021.

**s/ Hugh Lawson**  
**HUGH LAWSON, SENIOR JUDGE**

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