

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANIBAL MEJIAS, DENNIS	:	
MINTER, JERRY FULLER, and	:	Civ. Act. No. 2:20-cv-12365-BRM-JRA
JOSE PENA, on behalf of themselves	:	
and those similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
GOYA FOODS, INC.,	:	
	:	
Defendant.	:	

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF THE SETTLEMENT
AGREEMENT**

AND NOW, this 25th day of November, 2024, upon consideration of Plaintiffs' Unopposed Motion for Preliminary Approval of the Settlement Agreement, the Court grants Plaintiffs' Motion and ORDERS as follows:

WHEREAS, Plaintiffs Anibal Mejias, Dennis Minter, Jerry Fuller, and Jose Pena ("Plaintiffs") and Defendant Goya Foods, Inc. ("Goya" or "Defendant"), have entered into a Settlement Agreement which, together with the Exhibits annexed thereto (the "Settlement"), sets forth the terms and conditions for a proposed class action settlement of the above-captioned matter (the "Lawsuit" or "Action") and for the Action's dismissal with prejudice upon the terms and conditions set forth therein;

WHEREAS, Plaintiffs and Defendant are collectively referred to as the “Parties”;

WHEREAS, the Settlement is the product of informed, arm’s-length negotiations over an extended period of time, and was achieved only after a settlement conference before the Court and three mediation sessions overseen by experienced third-party neutral, Hunter R. Hughes III, Esq.;

WHEREAS, Plaintiffs filed an Unopposed Motion for Preliminary Approval of Settlement Agreement (the “Motion”) seeking a Preliminary Approval Order: (i) provisionally certifying the Settlement Class pursuant to FED. R. CIV. P. 23(a) and (b)(3) for the sole purpose of settlement; (ii) approving the Settlement Agreement and proposed Notices of Settlement; (iii) appointing Atticus Administration LLC as the Settlement Administrator; and (iv) scheduling a Final Approval Hearing approximately 120 days following the entry of the Preliminary Approval Order;

WHEREAS, Defendant does not oppose Plaintiffs’ Motion;

WHEREAS, unless otherwise specified, all capitalized terms used herein have the same meanings as set forth in the Settlement Agreement;

NOW THEREFORE, it is hereby ORDERED and ADJUDGED as follows:

1. The Parties’ Settlement Agreement is preliminarily approved as fair, reasonable, and adequate pursuant to FED. R. CIV. P. 23(e).
2. For settlement purposes, the Court provisionally certifies the following

Settlement Class pursuant to FED. R. CIV. P. 23(a) and (b)(3), pending final approval of the Settlement Agreement:

All truck drivers who performed work for Goya in the State of New Jersey and who were designated as independent contractors or owner operators between July 18, 2013 and February 1, 2024.¹

3. In support thereof, the Court provisionally finds as follows:

a. The number of Settlement Class Members (73) is too numerous for joinder to be practicable;

b. There are questions of law and fact common to each Settlement Class Member that predominate over individualized questions for settlement purposes;

c. Plaintiffs' claims are typical of the claims of the Settlement Class Members they seeks to represent for purposes of the Settlement;

d. Plaintiffs and Class Counsel have fairly and adequately represented the interests of the Settlement Class and will continue to do so;

e. A class action provides a fair and efficient method for settling the controversy under the criteria set forth in Rule 23 of the Federal Rules of Civil Procedure; and

f. Because the Action is being settled rather than litigated, the

¹ The Settlement Class excludes any truck drivers who executed Arbitration Agreements with Goya as of February 1, 2024.

Court need not consider manageability issues that might otherwise be presented by the trial of a class action involving the issues in the Action.

4. Plaintiffs Anibal Mejias, Dennis Minter, Jerry Fuller, and Jose Pena are appointed as the representative of the Settlement Class.

5. Berger Montague PC and Vlasac & Cassidy, LLC are appointed as Class Counsel on behalf of the Settlement Class.

6. Atticus Administration LLC is appointed as the Settlement Administrator and shall perform all duties and tasks assigned to the Settlement Administrator in the Settlement Agreement. The costs of Settlement Notice and Settlement Administration that were submitted to the Court are preliminarily approved.

7. The Settlement Notices, attached as Exhibits A and B to the Settlement Agreement, are approved and shall be distributed by the Settlement Administrator pursuant to the terms of the Settlement Agreement.

8. The following schedule and procedures for completing the settlement approval process as set forth in the Parties' Settlement Agreement are hereby approved:

Defendant to send CAFA Notice.	Within ten (10) days after the submission of the Settlement Agreement to the Court.
Defendant to provide Settlement	Within three (3) business days after


Administrator the contact and all information necessary to calculate the Settlement Awards of each Settlement Class Member (“Class List”).	the submission of the Settlement Agreement to the Court.
Settlement Administrator to provide Class Counsel and Defendant’s Counsel with estimated minimum settlement shares for each Settlement Class Member, assuming one hundred percent (100%) participation in the Settlement.	Within two (2) business days after receipt of the Class List.
Settlement Administrator to mail and email (if email addresses are available) the Settlement Notices to Settlement Class Members.	Within ten (10) business days after the Court enters the Preliminary Approval Order.
Deadline to postmark objections or requests for exclusion.	Sixty (60) days after the Settlement Notices are initially mailed by the Settlement Administrator to the Settlement Class (Notice Deadline).
Plaintiffs to request the Court schedule the Final Approval Hearing.	No earlier than fifteen (15) business days after the Notice Deadline or approximately 120 days following preliminary approval.
Plaintiffs’ Motion for Final Approval of the Settlement Agreement and for Attorneys’ Fees and Costs.	Due fourteen (14) days prior to Final Approval Hearing Date.

9. The Final Approval Hearing is hereby set for **March 25, 2025 at 10:00 a.m.** Counsel shall appear in person at the Frank R. Lautenberg Post Office and U.S. Courthouse, 2 Federal Square, Courtroom 8, Newark, New Jersey.

10. Pending further order of the Court, all litigation activity and events except those contemplated by this Order or in the Settlement Agreement, are stayed, and all hearings, deadlines, and other proceedings in the Litigation, except the Final Approval Hearing and the matters set forth in this Order, are vacated.

BY THE COURT:

Dated: November 25, 2024


Hon. José R. Almonte
United States Magistrate Judge