

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICARDO MARTINEZ et al.,

Plaintiffs,

CASE No. 1:16-cv-681

v.

HON. ROBERT J. JONKER

BLUE STAR FARMS, INC. et al.,

Defendants.

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**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**PLEASE READ THIS NOTICE CAREFULLY. IT EXPLAINS YOUR RIGHTS AND OPTIONS TO PARTICIPATE IN A CLASS SETTLEMENT**

**THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU**

**To: All Blueberry Harvesters Employed at Blue Star Farms in 2011, 2012 or 2013**

**1. What is this Notice about?**

This is an official court Notice to let you know about a proposed Settlement in this “class action” lawsuit and how you may claim your share. You are a class member if you were employed at Blue Star Farms harvesting blueberries in 2011, 2012, or 2013. This Notice informs you of your rights

**2. What is this “class action” lawsuit?**

A “class action” is a lawsuit in which a few people, called the class representatives, sue on behalf of people with similar claims. In this case, the class representatives are Yolanda Garrido, Janeth Mendez, Pedro Guadiana, and Edgar Guadiana. They

are representing the rights of all blueberry harvesters employed at Blue Star Farms in 2011, 2012, or 2013.

### **3. What is this lawsuit about?**

The employees who filed the lawsuit claimed that Blue Star Farms violated the Migrant and Seasonal Agricultural Worker Protection Act by failing to keep accurate records of harvesters' hours and piece rate wages, failing to disclose harvesters' hours on their pay stubs, and failing to compensate harvesters for time spent waiting in the fields for blueberries to dry. The court did not decide whether the claims are true. Blue Star Farms denies that it did anything wrong.

### **4. What is the status of the lawsuit?**

The lawsuit was filed in the summer of 2016. The court certified the class action in the spring of 2018 and appointed lawyers to represent the class. The lawyers representing the class are known as "class counsel." From December 2017 to April 2018, the parties negotiated the proposed Settlement. The class representatives and class counsel believe that the Settlement is fair and in the best interest of class members. The Court preliminarily approved the Settlement on June 27, 2018.

### **5. What are the terms of the proposed Settlement?**

The proposed Settlement requires Blue Star Farms and Anthony Marr to pay a total of \$200,000 to the class and class counsel. The \$200,000 will cover claims filed by class members, attorney's fees for class counsel, reimbursements to class counsel for the costs of the lawsuit and to administer the settlement, and some extra money being paid to the class representatives for their service to the class. A full copy of the settlement agreement may be found at Migrant Legal Aid's website: [www.migrantlegalaid.com/BlueStar](http://www.migrantlegalaid.com/BlueStar)

### **6. What are my rights as a class member?**

As a class member, you have a right to file a claim and receive money from the Settlement. If you stay in the class, you will also be giving up your right to bring a separate lawsuit against Blue Star Farms and Anthony Marr related to your employment in 2011, 2012, or 2013.

## 7. How will the Settlement funds be divided?

Under the proposed Settlement, the \$200,000 paid by Blue Star Farms will be divided as follows:

- (a) A minimum of \$115,833 will go to class members who file claims. Each class member will receive a proportionate share of the money, based on the number of seasons worked at Blue Star Farms in 2011, 2012, and 2013.
- (b) The four class representatives will share an extra \$7,500, in total, for their time and commitment in bringing this lawsuit on behalf of the Class;
- (c) \$10,000 will be set aside for the costs of sending this Notice to the class, calculating payments to class members, filing reports with the court, and distributing the Settlement funds to class members; and
- (d) A maximum of \$66,667 (1/3 of the Settlement) will go to class counsel as attorney's fees and to reimburse them for the costs they paid in bringing the lawsuit for the class.

## 8. When will the Settlement funds be paid?

Blue Star Farms will make three payments, totaling \$200,000. The payment schedule is:

1. \$50,000 in the fall of 2018
2. \$27,000 in the fall of 2019
3. \$75,000 in the fall of 2020

If you file a Claim by September 14, 2018, you will receive some of your money in 2018 and the rest of your money in 2019 and 2020. If you do not file a Claim by the September 14, 2018 deadline, you will not be entitled to receive any money from the Settlement. Because not all of the money in the Settlement Agreement will be available until 2020, **if you move or change phone numbers, you must contact Migrant Legal Aid, or they may not be able to find you when it's time to receive your money.**

## **9. How do I file a Claim to receive money from the Settlement?**

This Notice also includes a Claim Form. The Claim Form already has your name on it and which seasons you worked at Blue Star Farms in 2011, 2012, and 2013. If you want to file a Claim to receive your money, you must fill out the Claim Form and return it to Migrant Legal Aid no later than September 14, 2018.

You can return the completed Claim Form in any of the following ways:

- (a) Mail the filled-out Claim Form to Migrant Legal Aid using the enclosed envelope. The postage and return address are already on the envelope. All you need to do is place it in the mail.
- (b) Fax the filled-out Claim Form to (616) 454-7022.
- (c) Scan or take a photograph of the filled-out Claim Form and send it to bohearn@migrantlegalaid, or by text to (616) 303-1529.

**YOUR CLAIM IS DUE ON SEPTEMBER 14, 2018. IF YOU DO NOT FILE A CLAIM BY SEPTEMBER 14, 2018 IN ONE OF THE ABOVE THREE WAYS YOU WILL NOT BE ELIGIBLE TO RECEIVE MONEY FROM THE SETTLEMENT.**

## **10. What if I disagree with the number of eligible seasons for payment?**

If you believe you worked more seasons than shown on your Claim Form, you must still send in the Claim Form to receive payment. But you should also contact Migrant Legal Aid to talk about whether you have proof that you worked in another year (or years).

## **11. When and how will I receive my payments?**

Blue Star Farms is paying the money to the Settlement in three payments. Therefore, if you file a claim by September 14, 2018, you will also receive your money in three different payments. The first payment should occur in the fall of 2018. You will be contacted **by telephone** with instructions for claiming your payment. In most cases, you will receive a check in the mail.

**IT IS VERY IMPORTANT THAT MIGRANT LEGAL AID HAS YOUR CURRENT CONTACT INFORMATION. IF YOU MOVE OR CHANGE PHONE NUMBERS WITHOUT CONTACTING MIGRANT LEGAL AID, YOU MIGHT NOT GET PAID. MAKE SURE THAT MIGRANT LEGAL AID HAS ALL OF YOUR CONTACT INFORMATION UNTIL THE END OF 2020 OR YOU MIGHT NOT RECEIVE YOUR FINAL PAYMENT.**

## **12. What if I don't want to participate? How do I "opt out"?**

If you do NOT want to participate in the class action, you have the right to "opt out" of the class. If you opt out, you will not receive any money from the Settlement. On the other hand, opting out means you might be able to bring your own lawsuit against Blue Star Farms and Anthony Marr, if the claims alleged in the lawsuit can still be filed separately within the time period allowed under the law. You must opt out by September 14, 2018, or you will give up your right to opt out and bring your own lawsuit. If you do not opt out, you will be bound by the Settlement and eligible to file a Claim for the Settlement money.

To "opt out," you must send a letter to Migrant Legal Aid stating that you want to opt out of this case. You should send the letter by September 14, 2018 to:

Michigan Migrant Legal Assistance Project, Inc.  
1104 Fuller Ave., NE  
Grand Rapids, MI 49503.

You should include in your letter your full name, address, and signature of either yourself or your authorized representative. You should also include in your letter the name of the case ("Martinez v. Blue Star Farms, Inc.") and the case number ("1:16-cv-00681-RJJ-PJG") along with a statement that you want to be excluded from the class in this case. If you choose to "opt out" of the class action, you should consult a lawyer about your rights.

## **13. What if I think the Settlement is Unfair?**

There will be an in-person hearing before federal district judge Robert J. Jonker, on Monday October 29, 2018 at 2:00 p.m., at 699 Federal Building, 110 Michigan St. NW, Grand Rapids, MI 49503. At the hearing, the court will consider whether the proposed settlement is fair, reasonable, and adequate and, if so, whether it should be

granted final approval. The Court will hear objections to the settlement, if any. The Court may make a decision at that time, postpone a decision, or continue the hearing.

If you have not opted out from the settlement, you can object to the settlement if you do not believe it is fair, reasonable, and adequate. If you wish to object, you must send a written objection by September 14, 2018 to:

Michigan Migrant Legal Assistance Project, Inc.  
1104 Fuller Ave., NE  
Grand Rapids, MI 49503

You should include in your letter your full name and address, the name of this case (“Martinez v. Blue Star Farms, Inc.”) and the case number (“1:16-cv-00681-RJJ-PJG”), the factual and legal reasons for the objection and indicate whether you intend to appear at the hearing either on your own behalf or with an attorney, and the names, address, and phone numbers of any witness or witnesses you or your attorney may intend to call.

#### **14. What if I Want to Appear at the Hearing?**

You do not have to be present at the hearing to receive your share of the Settlement money. If you file a claim to get your share of the Settlement, you will receive your share, if the Settlement is approved by the judge.

Any Class Member who desires to enter an appearance and speak in court under Rule 23(c)(2)(B)(iv) must do so by September 14, 2018. To do so you must file with the Clerk of the Court a written notice of your appearance and you must serve a copy of that notice, by certified mail, fax, or hand-delivery, upon Class Counsel and Defendants’ counsel at the addresses set forth below.

Court	Class Counsel	Defense Counsel
Clerk of the Court 399 Federal Building 110 Michigan St., NW Grand Rapids, MI 49503	Michigan Migrant Legal Assistance Project, Inc. 1104 Fuller Ave., NE Grand Rapids, MI 49503	Brion Doyle Bridge Water Place 333 Bridge St., NW P.O Box 352 Grand Rapids, MI 49501

**15. What happens if I don't do anything?**

If you do nothing, you will get no money from this Settlement if it is approved. But, unless you opt-out, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Blue Star Farms and Anthony Marr about the issues and time period covered by this case ever again.

**16. What if I want more information?**

If you have questions about the Settlement, need help understanding this Notice, or want a copy of the Settlement Agreement, you can contact the lawyers representing the class by writing or calling:

Michigan Migrant Legal Assistance Project, Inc.  
1104 Fuller Ave, NE  
Grand Rapids, MI 49503

(616) 454-5055 or 1-800-418-3390

You can also view the full text of the settlement agreement at: [www.migrantlegalaid.com/BlueStar](http://www.migrantlegalaid.com/BlueStar)

**DO NOT CONTACT THE COURT WITH QUESTIONS.**