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5

6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
7

8 PEREZ-FARIAS, et al.,

9 Plaintiffs,

10 v.

11 GLOBAL HORIZONS, INC.,  
MORDECHAI ORIAN, JANE DOE  
ORIAN, PLATTE RIVER  
12 INSURANCE COMPANY, VALLEY  
FRUIT ORCHARDS, LLC, and  
13 GREEN ACRE FARMS, INC.,

14 Defendants.  
15

Case No.: 05-CV-3061 RHW

STIPULATION REGARDING  
PAYMENT OF ATTORNEYS' FEES  
AND FLCA JUDGMENT AND  
ADMINISTRATION OF  
JUDGMENT PROCEEDS

16 Come now Plaintiffs and Grower Defendants and stipulate as follows:

17 1. Judgment was entered against Grower Defendants on March 27, 2013 in  
18 the sum of \$2,004,091.70. Interest is accruing on the initial judgment against Grower  
19 Defendants in amount of \$242,847.72 entered by this Court from August 3, 2009, and  
20 the remainder of the judgment (\$1,761,216.98) from the date of March 27, 2013 in  
21 accordance with 28 USC § 1961.  
22  
23

24 STIPULATION REGARDING PAYMENT OF ATTORNEYS'  
FEES AND FLCA JUDGMENT AND ADMINISTRATION  
OF JUDGMENT PROCEEDS - 1

1           2.     Plaintiffs have additionally moved for an award of attorneys' fees (ECF  
2 No. 1328) in the amount of \$1,358,982.00. A hearing on the fee issue is scheduled for  
3 June 4, 2013.

4           3.     Grower Defendants have moved for reconsideration of the judgment (ECF  
5 No. 1331).

6           4.     Grower Defendants have opposed the award of any attorneys' fees.

7           5.     Given the current status of the judgment and fee award, the parties agree  
8 that it will save the parties and the Court time and resources to reach a stipulated  
9 agreement regarding the manner in which any judgment or fees may be paid by Grower  
10 Defendants.

11          6.     In order to assure that Plaintiffs are not prejudiced by any delay in  
12 collecting any final judgment or taking such other steps as may be reasonably employed  
13 to secure payment on such judgment, and for the purposes of assuring that any judgment  
14 and/or fee award is timely and fully paid by Grower Defendants, the Parties hereby  
15 stipulate and agree as follows:

16               6.1     The full amount of any final judgment shall be paid by Grower  
17 Defendants to counsel for the Plaintiffs within 30 days of the Court's final ruling  
18 on Grower Defendant's Post Judgment Motion (ECF No. 1331). By "final  
19 ruling", the parties mean a ruling by this Court that imposes a final and  
20 appealable judgment in favor of plaintiffs. Counsel for the Plaintiffs shall deposit  
21 the money into an appropriate separate interest-bearing trust account on behalf of  
22 the designated classes.

23  
24 **STIPULATION REGARDING PAYMENT OF ATTORNEYS'  
FEES AND FLCA JUDGMENT AND ADMINISTRATION  
OF JUDGMENT PROCEEDS - 2**

1           6.2    The full amount of attorneys' fees awarded by the Court in addition  
2 to the full amount of any appellate fees awarded to Plaintiffs by the 9th Circuit  
3 shall be paid by Grower Defendants directly to Plaintiffs' counsel within 30 days  
4 of such award(s).

5           6.3    The Grower Defendants agree they have access to sufficient  
6 resources to cover any award presently requested by the Plaintiffs and ultimately  
7 ordered by the Court and further agree not to take any steps to make said assets  
8 unavailable to satisfy the above judgments.

9           6.4    Should the Grower Defendants fail to make either payment within  
10 the time periods set forth above, liquidated damages in the amount of \$25,000.00  
11 shall be imposed against the Grower Defendants and they shall be jointly and  
12 severally liable for the same. Such liquidated damages shall be in addition to any  
13 interest that may continue to accrue. Within 10 days of receiving notice of any  
14 default, the Grower Defendants also agree to appear for 30(b)(6) depositions and  
15 bring documents which are reasonably necessary to ascertain their ability satisfy  
16 the amount of the final Judgment and attorney fee Award. Said documents shall  
17 include, but not be limited to, documents that set forth the bank and real estate  
18 holdings of the Grower Defendants. .

19           7.     The Parties stipulate and agree that the judgment proceeds deposited into  
20 the above-mentioned trust account shall be administered as follows:

21           7.1     To the extent the final judgment entered by the Court does not so  
22 provide, Plaintiffs' counsel shall allocate the judgment proceeds deposited into  
23 the trust account between and amongst each eligible class member;

24 **STIPULATION REGARDING PAYMENT OF ATTORNEYS'  
FEES AND FLCA JUDGMENT AND ADMINISTRATION  
OF JUDGMENT PROCEEDS - 3**

1           7.2       Upon confirmation of the identity and eligibility of each and/or  
2 any class member, Plaintiffs' counsel shall distribute to each such class member  
3 his or her allocated statutory damages. All such distributions shall occur within  
4 six months of the deposit of the judgment proceeds. Should the Plaintiffs  
5 reasonably need additional time to locate and pay class members, they shall  
6 communicate that need to counsel for the Grower Defendants and make a request  
7 to the Court for additional time prior to the end of the six month period;

8           7.3       At the conclusion of the six month period, Plaintiffs' counsel shall  
9 file a report with the Court indicating the specific amounts distributed, the names  
10 of the individuals to whom such amounts were distributed, and their opening brief  
11 regarding how the Court should distribute any judgment proceeds left  
12 undistributed. Plaintiffs shall engage a third-party agent to independently review  
13 Plaintiffs' distribution efforts and provide a report to the Court to ensure all  
14 reasonable efforts have been made to locate and pay eligible class members.

15           7.4       The costs and fees associated with the distribution process may be  
16 paid to counsel for the Plaintiffs from the judgment proceeds, but in no event  
17 shall such costs and fees exceed the sum of \$50,000.00.

18           8.       Any judgment proceeds left undistributed at the conclusion of the six  
19 month period shall be distributed pursuant to further order of this Court. The Grower  
20 Defendants shall file their response brief within 21 days of the Plaintiffs filing their  
21 opening brief. The Plaintiffs shall file their reply within 10 days of the Grower  
22 Defendants filing their response brief. The parties jointly request that they be entitled to  
23 file briefing totaling 20 pages each.

24 **STIPULATION REGARDING PAYMENT OF ATTORNEYS'  
FEES AND FLCA JUDGMENT AND ADMINISTRATION  
OF JUDGMENT PROCEEDS - 4**

1 DATED this 20th day of May, 2013.

2 STOKES LAWRENCE VELIKANJE  
3 MOORE & SHORE

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25 STIPULATION REGARDING PAYMENT OF ATTORNEYS'  
26 FEES AND FLCA JUDGMENT AND ADMINISTRATION  
27 OF JUDGMENT PROCEEDS - 5

28 46806-001 \ 13 0520 STIPULATION RE PAYMENT OF JUDGMENTS PAYMENT OF  
29 CLASS MEMBERS - FINAL.DOCX


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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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And I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: None.

  
Arasele Bueno

STIPULATION REGARDING PAYMENT OF ATTORNEYS' FEES AND FLCA JUDGMENT AND ADMINISTRATION OF JUDGMENT PROCEEDS - 6

46806-001 \ 13 0520 STIPULATION RE PAYMENT OF JUDGMENTS PAYMENT OF CLASS MEMBERS - FINAL.DOCX

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