

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

HECTOR LUNA, JULIAN GARCIA,
FRANCISCO JAVIER LORENZO,
SANTOS MALDONADO, PATRICIA
WOODARD and BARTOLO NUNEZ
individually and on behalf of others
similarly situated,

Plaintiffs,

v.

DEL MONTE FRESH PRODUCE
(SOUTHEAST), INC.,

Defendant.

CASE NO. 1:06-cv-2000-jec

FILED IN CHAMBERS
U.S.D.C. Atlanta

APR 15 2010

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

**ORDER APPROVING SETTLEMENT AGREEMENT, GRANTING
JOINDER, AND DISMISSING CLAIMS WITH PREJUDICE**

Upon consideration of Plaintiffs' and Defendant's (collectively "the Parties") Joint Motion for Approval of FLSA Collective Action Settlement, Joinder of Certain Opt-in Plaintiffs, and Dismissal with Prejudice, it is **ORDERED, ADJUDGED** and **DECREED** that the Parties' motion is **GRANTED:**

A. The Court finds that it has jurisdiction over the claims asserted in the litigation and over the Parties to the litigation.

B. The Court has reviewed the Settlement Agreement executed by counsel for Plaintiffs and representatives of Del Monte Fresh Produce (Southeast), Inc. ("DMSE") and Del Monte Fresh Produce N.A., Inc. ("DMNA"). The Settlement Agreement appears to be adequate, fair and reasonable. Accordingly, the Court hereby APPROVES the Settlement Agreement on the terms provided therein.

C. The Court grants the Parties' Motion to join Maricela Andraca, Jerry Wilcox, and Mamie Williams as parties to the Count II, Migrant and Seasonal Agricultural Worker Protection Act ("AWPA") claims for the sole purpose of the Parties' Settlement Agreement.

D. Plaintiffs' counsel Southern Poverty Law Center shall be authorized to act on behalf of Plaintiffs with respect to this litigation and this Settlement Agreement.

E. The Court has reviewed the total Settlement Amount to be paid to Plaintiffs as indicated in the Settlement Agreement and hereby APPROVES the payment of such amount as provided and subject to the terms and conditions set forth in the Settlement Agreement.

F. The Court has reviewed the allocation of the Settlement Amount to be paid to Plaintiffs in this case as set forth in Exhibit A to the Settlement Agreement and hereby APPROVES the payment of such respective amounts as provided and subject to the terms and conditions set forth in the Settlement Agreement, including its Exhibit A.

G. The Court has reviewed Plaintiffs' counsel Southern Poverty Law Center's application for an award of attorneys' fees and costs and hereby APPROVES such application in the amount provided in the Settlement Agreement.

E. The Court has reviewed the allocation of incentive payments to 12 Plaintiffs as indicated in Exhibit A to the Settlement Agreement in recognition for their efforts on behalf of the collective class, and APPROVES the incentive payments.

F. Plaintiffs, Plaintiffs' counsel including any agent of the Southern Poverty Law Center, and DMSE and their counsel shall be bound by the terms and conditions of the Settlement Agreement, this APPROVAL ORDER, the final judgment in this litigation, and the releases set forth in the Settlement Agreement.

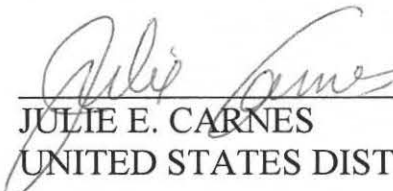
G. Plaintiffs, Plaintiffs' counsel including any agent of the Southern

Poverty Law Center, and DMSE and their counsel shall be bound by the terms and conditions of confidentiality and non-disclosure provisions as set forth in Paragraph 5 of the Settlement Agreement and shall comply with them.

H. This litigation and all of Plaintiffs' claims asserted therein are dismissed on the merits and with prejudice.

I. The Court retains jurisdiction to enforce the Settlement Agreement.

SO ORDERED, this 15 day of April, 2010.



JULIE E. CARNES
UNITED STATES DISTRICT COURT JUDGE