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The Honorable Robert H. Whaley

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

PEREZ-FARIAS, et. al.,

Plaintiffs,

vs.

GLOBAL HORIZONS, INC., et. al.,

Defendants.

CLASS ACTION

No. CV-05-3061-RHW

JOINT REPORT OF THE PARTIES

The parties submit the following Joint Status Report pursuant to the Court's February 26, 2013 Order:

1. The Ninth Circuit, in its December 5, 2012 memorandum, ordered this Court to enter judgment for Workers in the amount of \$1,998,500 for FLCA statutory damages. The parties agree the total FLCA judgment, including actual FLCA damages awarded by the jury, should be \$2,004,091.70 and this Court should enter a judgment for that amount forthwith

1           2.     Upon entry of judgment, Grower Defendants anticipate submitting  
2 one or more motions pursuant to FRCP 59 and/or 60(b).

3           3.     The Ninth Circuit ordered the parties to work with the Ninth Circuit's  
4 mediator to resolve the amount of appellate attorney fees owed to the Plaintiffs.  
5 The parties shall advise the court when the amount of fees is resolved, whether by  
6 agreement or upon order of the Court of Appeals.

7           4.     The Ninth Circuit, in its December 5, 2012 memorandum, reversed  
8 and remanded to this Court the issue of who is a prevailing party for the purpose of  
9 awarding attorney fees under FLCA. The Ninth Circuit directed that "whether  
10 actual damages were awarded is irrelevant to determining who is the prevailing  
11 party [under FLCA]."

12           5.     The parties request that this Court set a date for a hearing regarding  
13 the award of attorney fees. Plaintiffs contend that this Court should enter the  
14 amount of fees previously awarded less the multiplier. Defendants contend that  
15 this court should defer any consideration of the attorneys' fees issue until after  
16 consideration of Grower Defendants' post-judgment motions for relief.  
17

18           6.     The parties agree it is highly likely that all class members will not be  
19 located to receive their award of statutory damages. Plaintiffs contend the Court  
20 will need to determine appropriate entities to receive *cy pres* monies pursuant to  
21 the Ninth Circuit's recent ruling in *Dennis v. Kellogg Co.*, 697 F.3d 858 (9th Cir.  
22  
23

1 2012). To the extent the statutory damages portion of the final judgment may  
2 remain unchanged, the Grower Defendants will be asking the Court to permit all or  
3 some of any unclaimed portion of such damages to revert to Grower Defendants,  
4 as contemplated and discussed in *Klier v. Elf Atochem North America, Inc.*, 658  
5 F.3d 468 (5th Cir. 2011).  
6

7 7. To the extent any unclaimed statutory damages do not revert to  
8 Grower Defendants, the Court will also need to determine appropriate *cy pres*  
9 entities and approve notice to the class of the Court's determination. The parties  
10 agree that this should happen at the same hearing to determine attorney fees.  
11

12 8. Plaintiffs request that a hearing on fees be held during the week of  
13 April 15-19; the Plaintiffs file their opening brief no later than March 22; the  
14 Defendants have until April 3<sup>rd</sup> to respond; and the Plaintiffs' file their reply by  
15 April 12<sup>th</sup>. Grower Defendants request that they be allowed to file post-judgment  
16 motions pursuant to FRCP 59 and/or 60(b), and that consideration of Plaintiffs'  
17 motion for fees be considered after rulings thereon; and that in any event, due to  
18 Grower Defendants' counsel's trial schedule, that the response to any motion for  
19 fees not be due before April 29, 2013.  
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23 ///

1 RESPECTFULLY SUBMITTED this 11th day of March 2013.

2 COLUMBIA LEGAL SERVICES

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s/ Richard W. Kuhling

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 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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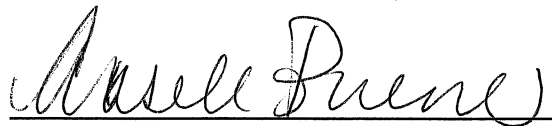
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And I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: None.



Arasele Bueno