

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE OF IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

Martha Navarro Mata, Complainant v. Bear Creek Production Co.,  
Respondent; 8 U.S.C. § 1324b proceeding; Case No. 89200024.

**ORDER APPROVING STIPULATION OF SETTLEMENT**

Having examined the Stipulation of Settlement approved by the parties to this lawsuit (and appended as Exhibit A to this Order), having examined the papers and pleadings filed herein, having made an independent determination that the Stipulation of Settlement is fair, adequate, and reasonable, and good cause appearing:

**IT IS HEREBY ORDERED that:**

1. A class is certified in this case, for settlement purposes, made up of all employees similarly situated to the plaintiff, Ms. Mata, including all employees and former employees of Bear Creek Production Co. ('`Bear Creek'') who were subjected to injurious employment actions by Bear Creek for providing incorrect information to Bear Creek (due to their undocumented alien status) and/or later admitting to Bear Creek that they had provided incorrect information (including by providing true names or social security numbers after incorrect ones had been previously provided) as part of, or as result of, their legalization under the Immigration Reform and Control Act of 1986 ('`IRCA''). The class is sufficiently numerous since it has over 100 members. Common questions of fact and law predominate over any differences between class members because Bear Creek applied the same policy on falsification, for the same reasons and with the same results, to all class members. Ms. Mata is approved as the named plaintiff since her claims are typical of the class and she is an adequate representative of the class.

2. The Stipulation of Settlement is approved both on behalf of Ms. Mata and all settlement class members since it is fair, adequate, and reasonable. The settlement is fair, adequate, and reasonable since it restores any lost seniority to class members, it avoids any possibility of future similar problems since it alters Bear Creek Production Co.'s policy with respect to all class members, it provides for compensation to Ms. Mata (\$4,465.28) which is equal to

her claimed losses due to Bear Creek's policies, it provides for at least \$62,010 in compensation to all other class members (with each of them receiving \$530.00, which is a fair estimate of the average claimed losses of class members), and it provides that Bear Creek will donate \$10,000 to a charity benefitting former undocumented aliens of Mexican national origin.

3. The notice to class members, which is appended as Exhibit E to the Stipulation of Settlement, provides adequate notice to class members of their rights (including the right to participate in this settlement or to opt out of the settlement process) and of the class action aspects of the Stipulation of Settlement. The method of providing the notice to class members (i.e., by delivering the approved notice to each class member either 1. by hand or 2. by mail to the class member's last known address and also by posting notice of the settlement in a location for employee notices at Bear Creek's facilities, all as more fully described in the Stipulation or Settlement) is also approved as adequate to notify class members of their rights. Any class member who does not opt out of the class within the period prescribed by the Stipulation of Settlement shall be barred by res judicata from asserting any claims arising from a common nucleus of operative facts with the claims in this cause of action.

DATED: August 17, 1990.

E. MILTON FROSBURB  
Administrative Law Judge  
Executive Office for Immigration Review  
Office of the Administrative Law Judge  
950 Sixth Avenue, Suite 401  
San Diego, California 92101