

1 Fred A. Silva, State Bar No. 128464  
Betty L. Julian, State Bar No. 222215  
2 DAMRELL, NELSON, SCHRIMP,  
PALLIOS, PACHER & SILVA  
3 1601 I Street, Fifth Floor  
Modesto, CA 95354  
4 Telephone: (209) 526-3500  
Facsimile: (209) 526-3534

5 Attorneys for Defendants Soares Dairy,  
6 Germano Soares, and Jacinta Soares

FILED

2005 JAN 31 AM 8:03

CLERK OF SUPERIOR COURT  
COUNTY OF STANISLAUS

BY \_\_\_\_\_ DEPUTY

7  
8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF STANISLAUS**

10 LORENZO BRAVO and JUAN  
11 CARRILLO, individually, and acting for the  
interest of the general public,

12 Plaintiffs,

13 vs.

14 SOARES DAIRY, a California business  
organization, form unknown, GERMANO  
15 SOARES and JACINTA SOARES,  
individually, doing business as SOARES  
16 DAIRY, and DOES 1 through 30,

17 Defendants.

Case No. 345216

**ORDER RE PLAINTIFF'S MOTION TO  
COMPEL GERMANO SOARES'  
FURTHER RESPONSES AND  
PRODUCTION OF DOCUMENTS  
AND/OR OTHER TANGIBLE THINGS  
(SET ONE)**

Date: December 13, 2004

Time: 8:30a.m.

Dept.: 4

[Facsimile signature,  
California Rules of Court 2007(d)]

18  
19 Plaintiff Lorenzo Bravo's Motion to Compel Defendant Germano Soares' Further  
20 Responses and Production of Documents and/or Other Tangible Things, (Set One) and Request for  
21 Order Imposing Sanctions was regularly heard on December 13, 2004, in Department Four of the  
22 above-entitled court, the Honorable Hurl W. Johnson, Judge presiding. Blanca Banuelos appeared  
23 as counsel for Plaintiff Lorenzo Bravo. Fred A. Silva appeared as counsel for Defendant Germano  
24 Soares. On proof being made to the satisfaction of the Court and good cause appearing,

25 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

26 1. Plaintiff Lorenzo Bravo's Motion to Compel Defendant Germano Soares' Further  
27 Responses and Production of Documents and/or Other Tangible Things (Set One) and Sanctions,  
28 which was continued from November 16, 2004, is **GRANTED** in part and **DENIED** in part as

1 follows: Request Numbers 2, 4, 6, 7, 8, 10, 18, 24, and 26 are **GRANTED**. All other requests are  
2 **DENIED**.

3 2. All responsive documents to be produced by Defendant shall have the name and social  
4 security number of the employee redacted.

5 3. With respect to non-Plaintiff employees, Defendant is ordered to produce responsive  
6 documents that pertain to employment information only, such as wage and salary information, and  
7 not personnel records regarding Defendant's employees.

8 4. Defendant shall have thirty (30) days from December 13, 2004, in which to produce  
9 responsive documents.

10 5. Plaintiffs shall pay all copying costs incurred in producing the responsive documents.

11 6. On the basis of the letter briefs filed by the parties, the Court finds that the Plaintiffs'  
12 unfair business practices claims under Business and Professions Code section 17200 can proceed.  
13 The text of Proposition 64 passed by California voters on 11/3/04 does not clearly make the effect  
14 of the statute retroactive, and therefore the change in the law cannot be enforced retroactively. "A  
15 statute may be applied retroactively only if it contains express language of retroactivity or if other  
16 sources provide a clear and unavoidable implication that the Legislature intended retroactivity."  
17 *McClung v. Employment Development Department* (November 4, 2004) 2004 Cal. Lexis 10527.  
18 This strong presumption applies equally forcefully to ballot initiatives enacted by the electorate.  
19 See e.g. *Evangelatos v. Superior Court* (1988) 44 Cal.3d 1188, holding that Proposition 51 should  
20 only be applied prospectively.

21 Dated: JAN 31 2005, 2005.

HURL W. JOHNSON

JUDGE OF THE SUPERIOR COURT

24 APPROVED AS TO FORM:

25 CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

26 By   
Blanca Baruelos  
Attorneys for Plaintiffs

28 file:\soares\bravo\plmtc\Order-Motion to Compel-rev1.wpd