

COHELAN KHOURY & SINGER

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

Diana M. Khoury (SBN 128643)

dkhoury@ckslaw.com

Jeff Geraci (SBN 151519)

jgeraci@ckslaw.com

605 C Street, Suite 200

San Diego, CA 92101

Tel: (619) 595-3001/Facsimile: (619) 595-3000

LAW OFFICES OF SAHAG MAJARIAN II

Sahag Majarian II (SBN 146621)

sahagii@aol.com

18250 Ventura Blvd.

Tarzana, CA 91356

Tel: (818) 609-0807/Facsimile: (818) 609-0892

Attorneys for Plaintiff Manuel Gutierrez, on behalf of himself
and all others similarly situated

SUPERIOR COURT OF CALIFORNIA

FOR THE COUNTY OF ORANGE

MANUEL GUTIERREZ, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

KITE ELECTRIC INCORPORATED, a
California corporation; and DOES 1 through 10,
Inclusive,

Defendants.

CASE NO. 30-2020-01133960-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:

The Honorable Peter J. Wilson
Department CX 102

CLASS AND PAGA ACTION

**SUPPLEMENTAL BRIEFING IN
RESPONSE TO COURT'S REQUEST FOR
ADDITIONAL INFORMATION
IN SUPPORT OF MOTION FOR
ORDER GRANTING FINAL APPROVAL
OF CLASS AND PAGA ACTION
SETTLEMENT AND
ENTERING JUDGMENT**

(Related to ROA 144)

Date: August 4, 2022

Time: 2:00 p.m.

Dept: CX 102

Judge: Honorable Peter J. Wilson

Filed: February 24, 2020

Trial date: Not set

1 Plaintiff Manuel Gutierrez’s Motion for Order Granting Final Approval of Class and PAGA
2 Action Settlement and Entering Judgment was continued to August 4, 2022, in the Court’s July 7, 2022
3 Minute Order, which sought responses to nine points raised by the Court.

4 Each point in the Minute Order has been addressed in this supplemental brief or the proposed
5 Order, and all requested revisions have been made.

6 **1. Class Member Disputes, Requests for Exclusion and Objections**

7 No Class Member submitted a request for exclusion, dispute or objection by the June 6, 2022,
8 deadline. (ROA 151, Declaration of Jeff Geraci in Support of Motion for Order Granting Final
9 Approval of Class Action Settlement and Entering Judgment ¶¶12, 34; ROA 155, Declaration of
10 Nathalie Hernandez of ILYM Group, Inc., in Support of Motion for Final Approval of Class Action
11 Settlement, ¶¶11, 12).

12 No requests for exclusion, disputes or objections have been filed as of the date this supplemental
13 brief. There are 100 Participating Class Members, representing 100% participation by the 100-member
14 Settlement Class. Supplemental Declaration of Nathalie Hernandez of ILYM Group, Inc. in Support of
15 Motion for Final Approval of Class Action Settlement, (“Supp. ILYM Dec.”), ¶¶11, 12, 13, 14;
16 Supplemental Declaration of Jeff Geraci, (“Supp. Geraci Decl.”), ¶3.

17 **2. Method to Inform the Class of Final Approval Order and Judgment**

18 As stated in paragraph 18 of the Notice of Class Action Settlement, **When and where will the**
19 **Court decide whether to approve the Settlement?**, following final approval, the Settlement
20 Administrator, will post the Court’s Order Granting Final Approval of Class and PAGA Action
21 Settlement and the Judgment on its website: www.ilymgroupclassaction.com/kite. This website will
22 remain active until after the Final Accounting Hearing. Supp. ILYM Dec. ¶16; Supp. Geraci Decl. ¶4.
23 The proposed Order has been revised to include this information.

24 **3. Settlement Payment Received by Named Plaintiff Manuel Gutierrez**

25 Plaintiff will receive no payment as part of the Settlement, other than an estimated \$54.78.
26 ROA 155, Hernandez Decl., ¶14. Plaintiff “would have received \$2,020” in May 2020, if he had
27 received a “Pick-Up Stix” payment, as 98 other class members did, but he could not without abandoning
28 this action, which he chose not to do.

Other than his \$54.78 Class Settlement share, and the \$10,000 Service Award requested, Plaintiff will receive no other payments through this settlement. Supp. Geraci Decl. ¶5.

4. Final Accounting Hearing

The compliance/final accounting hearing may be set March 31, 2023, based on the following:

1. Order Granting Final Approval:	August 4, 2022
2. Effective Date:	August 4, 2022 (No Timely Objections Filed)
3. Funding of Settlement:	August 11, 2022 (5 business days of Effective Date)
4. Distribution of Settlement Funds:	August 25, 2022 (10 business days of funding)
5. Void Date:	February 21, 2023 (180 days of issuance)
6. File Final Report	March 21, 2023 (10 days in advance of hearing)
7. Final Accounting Hearing	March 31, 2023 at 9:00 a.m.

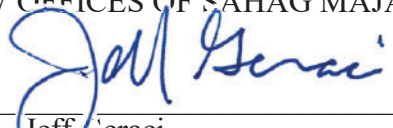
5. Notice to LWDA

On the same date the supplemental briefing materials were filed with the Court, they were provided to the LWDA via its website. Supp. Geraci Decl. ¶7, Exh. 2.

With the additional information provided, Plaintiff respectfully requests the Court grant final approval of the settlement and enter judgment.

Respectfully submitted,

COHELAN KHOURY & SINGER
LAW OFFICES OF SAHAG MAJARIAN II

By: 
Jeff Geraci

Attorney for Plaintiff Manuel Gutierrez, on behalf of
himself and all others similarly situated

Dated: July 21, 2022