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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 ACTION

**NOTICE OF MOTION AND
MOTION FOR ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: February 3, 2022
Time: 2:00 p.m.
Dept: CX 102
Judge: Honorable Peter J. Wilson

Filed: February 24, 2020
Trial date: Not set

PLEASE TAKE NOTICE that on February 3, 2022 at 2:00 p.m. or as soon as the matter may be heard in Department CX 102 of the above-captioned Court located at 751 West Santa Ana Blvd., Santa Ana, California 92701, Honorable Peter Wilson presiding, Plaintiff Manuel Gutierrez on behalf of himself and the putative class, will move this Court for an Order:

1. Preliminarily approving the Class Action Settlement as fair, adequate, and reasonable based on the terms set forth in the Stipulation of Class and Representative Action Settlement Agreement and Release, ("Settlement Agreement"), including payment by Defendant Kite Electric, Incorporated, of the Gross Settlement Amount of \$458,991.00;

2. Conditionally certifying the above-captioned case as a class action for settlement purposes only;

3. Approving Notice of Class Action Settlement be mailed together with a Change of Address Form, and the pre-printed return envelope via first class U.S. Mail to all members of the Settlement Class advising them of the pendency of Class Action, the proposed Settlement, the manner and procedure for submitting requests for exclusion, objections to the Settlement, of the automatic payment of their share of the Settlement funds without the need to return a claim form, of the date set for the final approval hearing, and of their right to appear at the time of the Final Approval hearing;

4. Appointing Cohelan Khoury & Singer and Law Office of Sahag Majarian II, as Class Counsel;

5. Appointing Plaintiff Manuel Gutierrez as Class Representative;

6. Appointing ILYM Group, Inc. as the Settlement Administrator to administer the Settlement of this matter as set forth in the Agreement Settlement;

7. Setting a hearing date to consider final approval of the Settlement.

This motion is based on this Notice of Motion, the Memorandum of Points and Authorities in Support, Declarations of Class Counsel Jeff Geraci and Sahag Majarian II, Declaration of Jonathan Paul on behalf of ILMY Group, Inc., the Settlement Agreement and its exhibits, and the [Proposed]

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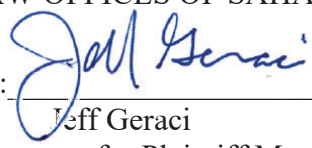
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1 Order Granting Preliminary Approval of Class Action Settlement, the Court's files in this matter, and
2 any other documents or evidence which the Court may consider at the hearing of this motion.

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4 Respectfully submitted,

5 COHELAN KHOURY & SINGER
6 LAW OFFICES OF SAHAG MAJARIAN II

7 Dated: January 4, 2022

8 By:  _____

Jeff Geraci

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