

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 ACTION

**NOTICE OF MOTION AND MOTION
FOR ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND ENTERING
JUDGMENT**

Hearing Set by Court
(03/04/2022 Order - ROA 137)

Date: July 7, 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 July 7, 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 Granting Final Approval of Class Action Settlement and Entering Judgment as set forth in the Stipulation of Class and Representative Action Settlement and Release filed as Exhibit 1 to the Declaration of Jeff Geraci on January 4, 2022 (ROA 103) and the fully-executed Amendment to the Stipulation of Class and Representative Action Settlement and Release filed as Attachment 1 to the Notice of filing Fully-executed Amendment on March 1, 2022 (ROA 133) (collectively, "Settlement Agreement"). Plaintiff moves this Court to:

1. Finally adjudicate the Settlement is fair, reasonable, and adequate;
2. Direct distribution of Individual Settlement Payments by the Settlement Administrator to all Participating Class Members in accordance with the Settlement Agreement;
3. Approve and direct payment to Class Counsel for their attorneys' fees in the sum of \$152,997.00 and reimbursement of their litigation costs of \$8,995.09;
4. Approve and direct the Class Representative Service Payment of \$10,000.00 to Plaintiff Manuel Gutierrez;
5. Approve and direct the payment to ILYM Group, Inc., the appointed Settlement Administrator, of \$7,500.00 for its fees and costs in administering the Settlement;
6. Approve the PAGA Payment to California's Labor and Workforce Development Agency of \$7,500.00 (75% of \$10,000.00); and,
7. Direct the Clerk of the Court to enter final judgment, and without affecting the finality of the final judgment, to reserve the Court's continuing jurisdiction over the Parties for the purposes of implementing, enforcing, or administering the terms of the Agreement.

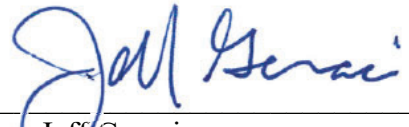
This motion is made on the grounds that the proposed Settlement, preliminarily approved by this Court on March 4, 2022 (ROA 137), is the product of arms'-length, good-faith negotiations, is fair and reasonable to the Class, and should now be finally approved, as more fully discussed in the accompanying Memorandum in Support of Final Approval of Class Action Settlement and Entering Final Judgment.

1 This motion is based on this Notice of Motion, the Memorandum of Points and Authorities in
2 Support, Declarations of Class Counsel Jeff Geraci and Sahag Majarian, Declaration of Plaintiff
3 Manuel Gutierrez, Declaration of Nathalie Hernandez on behalf of ILYM Group, Inc., the Settlement
4 Agreement, the Notice of Class Action Settlement, the Order Granting Preliminary Approval of Class
5 Action Settlement (ROA 137), the [Proposed] Order Granting Final Approval of Class Action
6 Settlement and Entering Judgment, the Court's files in this matter, including but not limited to the
7 Motion for Preliminary Approval of Class Action Settlement, and any other documents or evidence the
8 Court may consider at the hearing.

9 Respectfully submitted,

10 COHELAN KHOURY & SINGER
11 LAW OFFICES OF SAHAG MAJARIAN II

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13 Dated: June 14, 2022

14 By: 
15 Jeff Geraci
16 Attorneys for Plaintiff Manuel Gutierrez, on behalf of
17 himself and all others similarly situated
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