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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MATTHEW LUCCHESI and JULIO
CHAVEZ, individuals, on behalf of
themselves, and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

KONE, INC., a Corporation; and Does 1
through 50, inclusive,

Defendants.

Case No. **CGC-20-588225**

[PROPOSED] ORDER:

**(1) PRELIMINARILY APPROVING
PROPOSED SETTLEMENT;
(2) CONDITIONALLY CERTIFYING
SETTLEMENT CLASS;
(3) APPOINTING CLASS
REPRESENTATIVES, CLASS COUNSEL,
AND SETTLEMENT ADMINISTRATOR;
(4) APPROVING CLASS NOTICE; AND
(5) SETTING HEARING FOR FINAL
APPROVAL OF SETTLEMENT**

Date: May 4, 2022

Time: 9:30 a.m.

Judge: Hon. Richard B. Ulmer Jr.

Dept.: 302

Action filed: November 16, 2020

Trial date: None set

1 The motion of Plaintiff Matthew Lucchese, Julio Chavez, and David Chang (“Plaintiffs”)
2 and Defendant Kone, Inc. (“Defendant”) (together, the “Parties”) for Preliminary Approval of
3 Class Action Settlement (the “Motion”) came on regularly for hearing before this Court on April
4 7, 2022 at 9:30 a.m. The Court, having considered the proposed Joint Stipulation of Settlement
5 (the “Agreement”), attached as Exhibit 1 to the Declaration of Kyle Nordrehaug filed
6 concurrently with the Motion; having considered the Motion, Memorandum of Points and
7 Authorities in support thereof, and supporting declaration filed therewith, and any argument
8 presented at the hearing on the Motion; and good cause appearing, HEREBY ORDERS THE
9 FOLLOWING:

10 1. The Court GRANTS preliminary approval of the class action settlement
11 (“Settlement”) as set forth in the Agreement and finds its terms to be within the range of
12 reasonableness of a settlement that ultimately could be granted approval by the Court at a Final
13 Approval Hearing. For purposes of the Settlement only, the Court finds that the proposed Class
14 is ascertainable and that there is a sufficiently well-defined community of interest among the
15 members of the Class in questions of law and fact. Therefore, for settlement purposes only, the
16 Court grants conditional certification of the Class, which is defined as follows:

17 All individuals who are or previously were employed by Defendant in
18 California who were classified as non-exempt employees during the Class
19 Period (November 16, 2016 through February 28, 2022).

20 2. For purposes of the Settlement, the Court designates Plaintiffs as the Class
21 Representatives, and designates Norman B. Blumenthal, Kyle R. Nordrehaug, Aparajit Bhowmik
22 of Blumenthal Nordrehaug Bhowmik De Blouw LLP and Samuel A. Wong, Kashif Haque, and
23 Jessica L. Campbell as Class Counsel.

24 3. The Court designates ILYM Group as the third-party Settlement Administrator
25 for mailing notices.

26 4. The Court approves, as to form and content, the Notice of Proposed Class Action
27 Settlement (“Class Notice”), attached as Exhibit A to the Settlement (the “Notice Packet”).
28

1 5. The Court finds that the form of notice to the Class Members regarding the
2 pendency of the action and of the Settlement, and the methods of giving notice to Class
3 Members, constitute the best notice practicable under the circumstances, and constitute valid,
4 due, and sufficient notice to all Class Members. The form and method of giving notice complies
5 fully with the requirements of California Code of Civil Procedure section 382, California Rules
6 of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable
7 law.

8 6. The Court further approves the procedures for Class Members to opt out of or
9 object to the Settlement, as set forth in the Notice Packet.

10 7. The procedures and requirements for filing objections in connection with the
11 Final Approval Hearing are intended to ensure the efficient administration of justice and the
12 orderly presentation of any Class Member's objection to the Settlement, in accordance with the
13 due process rights of all Class Members.

14 8. The Court directs the Settlement Administrator to mail the Notice Packet to the
15 Class Members in accordance with the terms of the Agreement.

16 9. The Notice shall provide at least 60 calendar days' notice from the date of initial
17 mailing for Class Members to opt out of, or object to, the Settlement.

18 10. The Final Approval Hearing on the question of whether the Settlement should be
19 finally approved as fair, reasonable, and adequate is scheduled in Department 302 of this Court,
20 located at 400 McAllister Street, San Francisco, California 94102, on
21 [REDACTED], 2022 at 9:30 a.m.

22 11. At the Final Approval Hearing, the Court will consider: (a) whether the
23 Settlement should be finally approved as fair, reasonable, and adequate for the Class; (b) whether
24 a judgment granting final approval of the Settlement should be entered; and (c) whether
25 Plaintiffs' motion for reasonable attorneys' fees, reimbursement of litigation expenses, service
26 awards to Plaintiffs, and Settlement Administration Costs should be granted.

27 12. Counsel for the Parties shall file memoranda, declarations, or other statements
28 and materials in support of their request for final approval of the Settlement, attorneys' fees,

litigation expenses, Plaintiffs' service awards, and Settlement Administration Costs prior to the Final Approval Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

13. An implementation schedule is below:

Event	Date
Defendant to provide Class List to Settlement Administrator no later than [10 business days after preliminary approval]:	May 18, 2022
Settlement Administrator to mail Class Notice Packets to Class Members no later than [10 business days after receiving Class List]:	June 2, 2022
Deadline for Class Members to opt out, or object to, the Settlement, or submit disputes to the Settlement Administrator [60 days after mailing of Notice Packets]:	August 1, 2022
Deadline for Parties to jointly file Motion for Final Approval of Class Action Settlement and deadline for Plaintiff's application for Class Representative Payment and the Class Counsel Fees and Expenses Payment:	_____, 2022
Final Approval Hearing	_____, 2022 at 9:30 a.m.

14. Pending the Final Approval Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

15. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Dated: _____, 2022

The Honorable Richard B. Ulmer Jr.
Judge of the Superior Court