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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

RAFAEL PEREZ, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

KYOCERA SGS PRECISION TOOLS, INC.,
an Ohio corporation; and DOES 1 through
100,

Defendants.

CASE NO. 30-2022-01299232-CU-OE-CXC

*[Assigned for all purposes to the Hon.
Randall J. Sherman, Dept. CX105]*

~~AMENDED [PROPOSED]~~ ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

Date: May 3, 2024
Time: 10:00 a.m.
Dept.: CX105

Action Filed: December 29, 2022
Trial Date: None Set

AMENDED [PROPOSED] ORDER

The Motion of Plaintiff Rafael Perez (“Plaintiff”) for Preliminary Approval of Class Action Settlement came regularly for hearing before this court on May 3, 2024, at 10:00 a.m. The Court, having considered the proposed Stipulation of Settlement, attached as Exhibit 1 to the September 27, 2023 Declaration of Matthew K. Moen (ROA #50); having considered the proposed Amendment to Stipulation of Settlement (collectively with the Stipulation of Settlement, the “Settlement Agreement” or “Settlement”), attached as Exhibit 1 to the Supplemental Declaration of Matthew K. Moen filed in Support of Motion for Preliminary Approval of Class Action Settlement; having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, the memorandum of points and authorities in support thereof, and supporting declarations filed therewith; having considered Plaintiff’s Supplemental Brief in Support of Motion for Preliminary Approval of Class Action Settlement; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement, and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Approval Hearing.

2. The Court preliminarily approves the terms of the Settlement Agreement and finds that they fall within the range of approval as fair, adequate and reasonable. Based on a review of the papers submitted by Plaintiff, the Court finds that it appears the Settlement is the result of arms’-length negotiations conducted after Plaintiff and/or Plaintiff’s counsel adequately investigated the claims and became familiar with the strengths and weaknesses of the claims. The assistance of an experienced mediator in the settlement process supports the Court’s conclusion that the Settlement appears to be non-collusive and reasonable. The Settlement is presumptively valid, subject to any objections that may be raised pursuant to the terms of the Settlement Agreement.

3. For purposes of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-defined community of interest among

the members of the Settlement Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following Settlement Class:

All persons who were employed by Defendant Kyocera SGS Precision Tools, Inc. (“Defendant”) or its predecessor Kyocera Precision Tool, Inc. in California and were classified as non-exempt at any time from December 29, 2018, through August 17, 2023 (“Class Period”).

4. For purposes of the Settlement, the Court designates named Plaintiff Rafael Perez as Class Representative, and designates Paul K. Haines, Fletcher W. Schmidt, Matthew K. Moen, and Susan J. Perez of Haines Law Group, APC as Class Counsel.

5. The Court designates CPT Group Inc. as the third-party Settlement Administrator for mailing notices.

6. The Court approves, as to form and content, the Notice of Class and Representative Action Settlement, the Notice of Individual Settlement Payment and Individual PAGA Payment, and the Request for Exclusion Form (collectively, the “Notice Packet”) attached as Exhibit 2 to the September 27, 2023 Declaration of Matthew K. Moen (ROA #50).

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

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

9. The procedures and requirements for submitting objections in connection with the Final Approval Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any Settlement Class member’s objection to the Settlement, in accordance with the due process rights of all Settlement Class members.

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2 10. The Court directs the Settlement Administrator to mail the Notice Packet to the
3 Settlement Class members in English and Spanish, in accordance with the terms of the
4 Settlement.

5 11. The Class Notice shall provide at least 45 calendar days' notice for Settlement
6 Class members to submit disputes, opt out of, or object to the Settlement.

7 12. The Final Approval Hearing on the question of whether the Settlement
8 Agreement should be finally approved as fair, reasonable and adequate is scheduled on August
9 30, 2024, at 10:00 a.m. in Department CX105 of this Court, located at 751 W Santa Ana Blvd,
10 Santa Ana, California 92701. The Court reserves the right to continue the date of the Final
11 Approval Hearing without further notice to the Settlement Class members. The Court retains
12 jurisdiction to consider all further applications arising out of or in connection with the
13 Settlement Agreement.

14 13. At the Final Approval Hearing, the Court will consider: (a) whether the
15 Settlement Agreement should be approved as fair, reasonable, and adequate for the Settlement
16 Class; (b) whether a judgment granting final approval of the Settlement should be entered; and
17 (c) whether Plaintiff's application for an enhancement payment, settlement administration costs,
18 payment to the California Labor and Workforce Development Agency ("LWDA") for its 75%
19 share of civil penalties under the Private Attorneys General Act ("PAGA"), Labor Code section
20 2698 *et seq.*, and Class Counsel's attorneys' fees and costs should be granted.

21 14. Plaintiff's Counsel shall file memoranda, declarations, or other statements and
22 materials in support of the request for final approval of the Settlement and Plaintiff's application
23 for an enhancement payment, settlement administration costs, payment to the LWDA for its
24 share of PAGA penalties, and Class Counsel's attorneys' fees and costs prior to the Final
25 Approval Hearing according to the time limits set by the Code of Civil Procedure and the
26 California Rules of Court.

27 15. An implementation schedule is provided below (assuming the Court grants
28 preliminary approval of the Settlement on May 3, 2024):

Event	Date
Defendant to provide class contact information to Settlement Administrator no later than:	May 17, 2024
Settlement Administrator to mail the Notice Packet to the Settlement Class Members no later than:	June 3, 2024
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	July 18, 2024
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	At least 16 court days prior to Final Approval Hearing
Final Approval Hearing	☐ August 30, 2024 at 10:00 a.m. ☐ _____
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	At least 16 days prior to Final Report Hearing
Final Report Hearing	☐ TBD July 11, 2025 at 10:00 a.m. ☐ _____

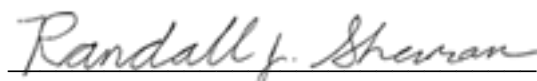
16. Pending the Final Approval Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

17. 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.

18. In the event the Settlement is not finally approved, or otherwise does not become effective in accordance with the terms of the Settlement, this Order shall be rendered null and void and shall be vacated, and the parties shall revert to their respective positions as of before entering into the Settlement.

IT IS SO ORDERED.

Dated: **May 3, 2024**


Honorable Randall J. Sherman
Judge of the Superior Court