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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **IN AND FOR THE COUNTY OF SAN DIEGO**

15 NICHOLAS KALUZA, an individual, on
16 behalf of himself and on behalf of all
17 persons similarly situated, and on behalf
18 of the State of California, as a private
19 attorney general,

20 Plaintiffs,

21 vs.

22 BOEING AEROSPACE OPERATIONS,
23 INC., a Delaware Corporation; and DOES
24 1-50, Inclusive,

25 Defendants.

CASE NO.: **37-2022-00004602-CU-OE-CTL**
[Consolidated with Case No.
37-2022-00004879-CU-OE-CTL]

**NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: March 4, 2024

Hearing Time: 8:30 a.m.

Judge: Hon. Eddie C. Sturgeon
Dept.: 67

Action Filed: February 4, 2022

Trial Date: Not set

26 **TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

27 YOU ARE HEREBY NOTIFIED THAT at 8:30 a.m. on March 4, 2024 in
28 Department 67 at the above entitled Court before the Honorable Eddie C. Sturgeon, Plaintiff
Nicholas Kaluza ("Plaintiff") will apply for an order: (1) preliminarily approving the

1 proposed settlement of this class action with Defendant Boeing Aerospace Operations, Inc.
2 (“Defendant”); (2) for settlement purposes only, conditionally certifying the Class, which is
3 comprised of “all individuals who are, or previously were, employed by Defendant Boeing
4 Aerospace Operations, Inc. in California and classified as a non-exempt employee at any
5 time during the Class Period”, which is February 4, 2018 through August 1, 2023; (3)
6 provisionally appointing Plaintiff as the representative of the Class; (4) provisionally
7 appointing Norman B. Blumenthal, Kyle R. Nordrehaug, and Aparajit Bhowmik of
8 Blumenthal Nordrehaug Bhowmik De Blouw LLP, Jean-Claude Lapuyade of JCL Law
9 Firm, APC, and Shani O. Zakay of Zakay Law Group, APLC as Class Counsel; (5)
10 approving the form and method for providing class-wide notice; (6) directing that notice of
11 the proposed settlement be given to the class; (7) appointing Simpluris as Administrator, and
12 (8) scheduling a final approval hearing date, proposed for July 26, 2024 which is at least 120
13 days from preliminary approval, to consider Plaintiff’s motion for final approval of the
14 settlement and for approval of attorneys’ fees and expenses.

15 This unopposed motion for preliminary approval of the class settlement is brought
16 pursuant to California Rules of Court, rule 3.769. Plaintiff’s motion will be based on this
17 notice of motion and motion, the accompanying memorandum of points and authorities, the
18 Declaration of Kyle Nordrehaug, the Declaration of Plaintiff Nicholas Kaluza, the Class
19 Action and PAGA Settlement Agreement (“Agreement”) between the Parties, and the
20 complete files and records in this action. Because all Parties have agreed to the proposed
21 class settlement, this motion is not opposed by Defendant.

22 Respectfully submitted,

23 Dated: February 5, 2024

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

By: /s/ Kyle Nordrehaug
Kyle R. Nordrehaug, Esq.
Attorney for Plaintiff