

VICTOR GEMINIANI 4354  
GAVIN THORNTON 7922  
HAWAII APPLESEED CENTER FOR LAW  
AND ECONOMIC JUSTICE  
PO Box 37952  
Honolulu, HI 96837  
Telephone: (808) 587-7605

PAUL ALSTON 1126-0  
CLAIRE WONG BLACK 9645-0  
JOHN RHEE 9681-0  
ALSTON HUNT FLOYD & ING  
1001 Bishop Street, Suite 1800  
Honolulu, Hawai'i 96813  
Telephone: (808) 524-1800  
Facsimile: (808) 524-4591  
E-mail: palston@ahfi.com  
cblack@ahfi.com  
jrhee@ahfi.com

Attorneys for Plaintiffs

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

VIOLET CRUZ, BETTY JEAN NOBRIGA,  
BERNICE RODRIGUES, individually, and  
on behalf of all persons similarly situated,

Plaintiff,

vs.

WAIPAHAU JACK HALL MEMORIAL  
HOUSING CORPORATION, and BOB  
TANAKA, INC.,

Defendants.

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

2013 OCT 24 AM 11:47

F. OTAKE  
CLERK

CIVIL NO. 09-1-2077-09 ECN  
(Contract) Class Action

**ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT AGREEMENT**

Hearing:

Date : October 16, 2013

Time : 10:00 a.m.

Judge : Honorable Edwin C. Nacino

**ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT AGREEMENT**

Plaintiffs, by and through their counsel, have moved this Court for preliminary approval of the class action settlement and notice agreement reached between Plaintiffs, both individually and as representatives of the Class certified by this Court's February 2, 2013 Order Granting Plaintiffs' Motion for Class Certification. The motion for preliminary approval was heard by this Court on October 16, 2013. Gavin Thornton and John Rhee appeared on behalf of Plaintiffs. Jay T. Suemori appeared on behalf of Defendant Bob Tanaka, Inc. Bradford F.K. Bliss appeared on behalf of Defendant Waipahu Jack Hall Memorial Housing Corporation.

The Court has read and considered the Settlement Agreement submitted with Plaintiffs motion for preliminary approval ("Settlement Agreement" or "Agreement"), which sets forth the terms and conditions for a proposed settlement of the action, and is otherwise fully informed and with good cause appearing therefore;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. This Order (the "Preliminary Approval Order") incorporates by reference the definitions in the Agreement, and all capitalized terms used herein shall have the same meanings set forth in the Agreement.
2. The Court has jurisdiction over the subject matter of this action and over all parties to this action.
3. The Court preliminarily approves the Agreement, including the releases contained therein, and finds the settlement is fair, reasonable and adequate for the Plaintiff Class.
4. The Court approves, as to form and content, the Notice of Proposed Class Action Settlement attached as Exhibits B and C to the Settlement Agreement.
5. The Court approves, as to form and content, the Claim Forms attached as Exhibits D and E to the Settlement Agreement.

6. The Court finds that the mailing and distribution of the Notice substantially in the manner and form set forth, constitutes the best notice practicable under the circumstances and constitutes valid, due and sufficient notice to all persons entitled thereto, complying fully with the requirements of HRCP 23 and due process.

7. On or before October 23, 2013, Plaintiffs' counsel, Hawaii Appleseed Center for Law & Economic Justice ("Hawaii Appleseed"), is ordered to mail, by first class mail, the Notices to the last known address of each class member.

8. At or prior to the Final Fairness Hearing (defined below), Hawaii Appleseed shall file with the Court and serve on Defendants' counsel proof by declaration or affidavit that the Notices have been mailed in satisfaction of paragraph 7 above.

9. Class members who wish to object to the Agreement must do so by November 26, 2013, in accordance with the instructions contained in the mailed Notice.

10. All members of the Plaintiff class who do not timely object, and/or comment, in accordance with the instructions in the Notice, shall be subject to and bound by the provisions of the Agreement, the Releases contained therein, and the Judgment with respect to all released claims.

11. Class members who are required under the Agreement to file a claim form in order to participate in the settlement, must do so by December 4, 2013.

12. A hearing ("the Final Fairness Hearing") shall be held at 9:30 a.m. on December 4, 2013, before this Court to determine whether:

- a. the proposed Settlement is fair, reasonable, and adequate and should be approved by the Court;
- b. this Action satisfies the applicable prerequisites for class action treatment under HRCP 23(a) and 23(b)3) for purposes of the Settlement;



- c. the Settlement has been negotiated at arm's length by the named Plaintiffs or their counsel on behalf of the Class;
- d. final Order Approving Settlement should be entered;
- e. counsel's application for an award of attorneys' fees and expenses pursuant to the common fund or other doctrine is fair, reasonable, and adequate and should be approved by the Court;
- f. for the Court to rule upon such other matters as contemplated by the Agreement or as the Court deems just and proper.

13. Any Class member may appear and show cause (if s/he has any) why the Court should or should not: (a) approve the proposed settlement as set forth in the Agreement as fair, reasonable, and adequate; (b) enter an order of Final Judgment and Dismissal; or (c) approve the plan of distribution to the eligible Plaintiffs. However, no person shall be heard with respect to, or shall be entitled to contest, the foregoing matters, unless on or before November 26, 2013, that person has filed with the Court and served on Plaintiffs' counsel written objections indicating his or her intention to appear, setting forth briefly each objection and the basis therefore.

14. Unless otherwise ordered by the Court, any Plaintiff class member who does not make his or her objection in the manner provided for herein, shall be deemed to have waived such objection and shall forever be enjoined from making any objection regarding the foregoing matters.

15. The Court may adjourn the Final Fairness Hearing from time to time and without further notice to the Plaintiff class. The Court reserves the right to approve the Settlement at or after the Final Fairness Hearing with such modifications as may be consented to by the settling parties and without further notice to the Plaintiff Class, and to enter an Order of Final Judgment and Dismissal without further notice to the Plaintiff Class.

16. Upon entry of an order dismissing this case with prejudice pursuant to the terms of the Settlement Agreement, the members of the Plaintiff Class shall be bound by the provisions of the Settlement and shall be entitled to benefits from the Settlement Fund.

17. All reasonable costs and expenses incurred in providing notice to the Plaintiff Class and in disbursing the Settlement Fund shall be paid as set forth in the Agreement.

18. The Court retains jurisdiction over all proceedings arising out of or related to the Settlement Agreement.

19. If for any reason the Settlement Agreement does not become effective in accordance with its terms, this Preliminary Approval Order shall be rendered null and void and shall be vacated *nunc pro tunc*.


20. Without further order of the Court or without further notice to the Plaintiff Class, the parties may agree to reasonable extensions of time to carry out any of the provisions of this Preliminary Approval Order or the Agreement.

IT IS SO ORDERED this 23 day of October 2013.

EDWIN C. NACINO

Edwin C. Nacino  
Judge of the Above Entitled Court

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GEORGE W. BRANDT  
BRADFORD F.K. BLISS  
Lyons, Brandt, Cook & Hiramatsu  
Attorneys for Defendant  
WAIPAHA JACK HALL MEMORIAL  
HOUSING CORPORATION

\_\_\_\_\_  
JAY T. SUEMORI  
LAURA J. STADUM  
Suemori & Associates, LLC  
Attorneys for Defendant  
BOB TANAKA, INC.

---

ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT, *VIOLET CRUZ, ET AL. V. WAIPAHA JACK HALL MEMORIAL  
HOUSING CORP., ET AL.*, Civil No. 09-1-2077-09 ECN

16. Upon entry of an order dismissing this case with prejudice pursuant to the terms of the Settlement Agreement, the members of the Plaintiff Class shall be bound by the provisions of the Settlement and shall be entitled to benefits from the Settlement Fund.

17. All reasonable costs and expenses incurred in providing notice to the Plaintiff Class and in disbursing the Settlement Fund shall be paid as set forth in the Agreement.

18. The Court retains jurisdiction over all proceedings arising out of or related to the Settlement Agreement.

19. If for any reason the Settlement Agreement does not become effective in accordance with its terms, this Preliminary Approval Order shall be rendered null and void and shall be vacated *nunc pro tunc*.

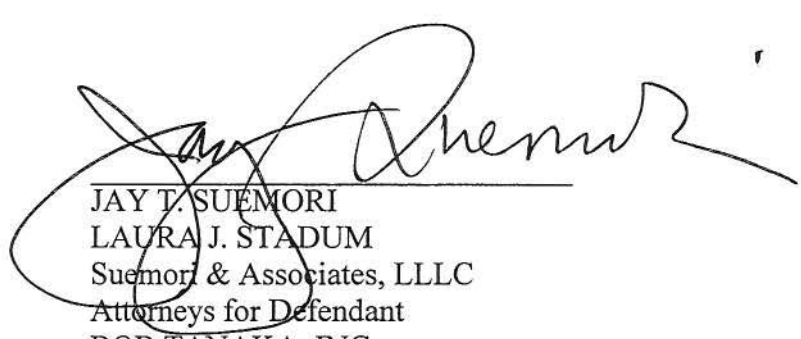
20. Without further order of the Court or without further notice to the Plaintiff Class, the parties may agree to reasonable extensions of time to carry out any of the provisions of this Preliminary Approval Order or the Agreement.

IT IS SO ORDERED this \_\_\_\_\_ day of October 2013.

\_\_\_\_\_  
Edwin C. Nacino  
Judge of the Above Entitled Court

APPROVED AS TO FORM:

\_\_\_\_\_  
GEORGE W. BRANDT  
BRADFORD F.K. BLISS  
Lyons, Brandt, Cook & Hiramatsu  
Attorneys for Defendant  
WAIPAHA JACK HALL MEMORIAL  
HOUSING CORPORATION

  
\_\_\_\_\_  
JAY T. SUEMORI  
LAURA J. STADUM  
Suemori & Associates, LLC  
Attorneys for Defendant  
BOB TANAKA, INC.