

PERKIN & FARIA, LLLC
 JOHN FRANCIS PERKIN 1673-0
 BRANDEE J.K. FARIA 6970-0
 JAMES WADE 10516-0
 841 Bishop Street, Suite 1000
 Honolulu, HI 96813
 Telephone : (808) 523-2300

FIRST CIRCUIT COURT
 STATE OF HAWAII
 FILED
 2019 MAR 11 AM 10:57

N. MIYATA
 CLERK

STARN O'TOOLE MARCUS & FISHER
 TREVOR A. BROWN 6539-0
 JUDITH A. PAVEY 2173-0
 SHARON V. LOVEJOY 5083-0
 Pacific Guardian Center, Makai Tower
 733 Bishop Street, Suite 1900
 Honolulu, HI 96813
 Telephone: (808) 537-6100

WILLIAM D. MARLER
 (admitted *Pro Hac Vice*)
 MARLER CLARK, L.L.P., P.S.
 1301 Second Avenue, Suite 2800
 Seattle, WA 98101
 Telephone: (206) 346-1888

Attorneys for Plaintiffs
 ASHLEY SATO, BRYAN CUELHO
 and STANLEY SATO, individually and on behalf
 of all others similarly situated

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

IN RE:)	CIVIL NO. 17-1-HEP (JHA)
)	(Product Liability)
HEPATITIS A CASES)	
)	FINAL JUDGMENT
This Document Applies To:)	
)	<u>CIVIL NO.</u>
BRYAN CUEHLO)	16-1-1612
STANLEY SATO)	16-1-1641
D'ANN RAMOS)	16-1-1702
)	
)	No Trial Date Set
)	Judge: Honorable James H. Ashford
)	

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

N. Miyata
 Clerk, Circuit Court, First Circuit

FINAL JUDGMENT

Pursuant to Rule 58 of the Hawaii Rules of Civil Procedure, this Final Judgment fully and finally resolves all claims and prayers for relief against all parties in the above-captioned case, and no additional claims or prayers for relief remain.

This Court's Order Granting Joint Motion for Final Approval of Class Certification and Class Settlement filed on February 20, 2019 and entered on March 11, 2019, fully and finally resolved all claims and prayers for relief asserted against any and all parties in the above-captioned matter in connection with Civil Nos. 16-1-1612, 16-1-1641 and 16-1-1702 (Consolidated Order Civil No. 17-1-HEP (JHA)), and no additional claims or prayers for relief remain in this proceeding. Therefor,

IT IS HEREBY ADJUDGED AND DECREED that Final JUDGMENT is hereby ~~entered~~ ^{and against all Defendants} /s/JHA ~~granted~~ pursuant to the Order in favor of Plaintiffs above-named, as follows:

1. Pursuant to Rules 7 and 23 of the Hawai'i Rules of Civil Procedure, the Court grants final certification to the following class (the "Class"):

All persons who: (1) as a result of the 2016 Genki Sushi Hepatitis A Outbreak infections linked to consuming food at thirteen Genki Sushi restaurants¹ located on the islands of Oahu, Kauai, and Maui, were exposed to the hepatitis A virus ("HAV") through one of three exposure-mechanisms (defined in the Exposure Subclasses), but did not become infected, and (2) as a result of such exposure, after learning of the requirement of treatment from an announcement of

¹ The thirteen Genki Sushi restaurants implicated in the HAV outbreak are located at the following addresses:

(1) 3-2600 Kaunaulii Hwy, Kauai, HI 96766; (2) 820 West Hind Drive, # 102, Honolulu, HI 96821; (3) 1450 Ala Moana Blvd. #2096, Honolulu, HI 96814; (4) 91-1401 Fort Weaver Rd. D-102, Ewa Beach, HI 96706; (5) 45-480 Kaneohe Bay Drive, Kaneohe, HI 96744; (6) 888 Kapahulu Avenue, Honolulu, HI 96816; (7) 4450 Kapolei Parkway, Kapolei, Hawai'i 96707; (8) 98-1005 Moanalua Road, Ste.801, Aiea, HI 96701; (9) 94-799 Lumiaina St., Waipahu, HI 96797; (10) 98-430 Kamehameha Hwy., Pearl City, HI 96782; (11) 1200 Ala Moana Blvd., Honolulu, HI 96814; (12) 70 E. Kaahumanu Ave, Kahului, HI 96732; and (13) 435 Keawe St., Lahaina, HI 96761.

public health officials or a medical professional, obtained preventative medical treatment, such as receiving immune globulin (“IG”), HAV vaccine, or blood test within fourteen days of exposure.

Persons who qualify as members of the Class (“Class Members”) consist of three subclasses based on the manner in which the Class Members were exposed to HAV:

Exposure Subclass 1:² All Class Members who were in contact with one of the 292 persons who the Hawai’i Department of Health identified as infected with HAV as part of the 2016 Genki Sushi Hepatitis A Outbreak. A contact is defined as:

- All household members of one of the 292 persons
- All sexual contacts with one of the 292 persons
- Anyone sharing illicit drugs with one of the 292 persons
- Anyone sharing food or eating or drinking utensils with one of the 292 persons
- Anyone consuming ready-to-eat foods prepared by one of the 292 persons

Exposure Subclass 2:³ All Class Members who as a result of consuming food on or between August 1 to August 16, 2016, were exposed to HAV at one of the thirteen Genki Sushi restaurants located on the islands of Oahu, Kauai, and Maui, implicated in the summer 2016 outbreak of HAV.

Exposure Subclass 3:⁴ All Class Members who as a result of consumption of food or drink from one or more of the Secondary Establishments identified below, where an employee infected as part of the 2016 Genki Sushi Hepatitis A Outbreak (one of the 292 persons) was found to have worked on the Identified Dates, were exposed as a result of consuming food or drink at the Secondary Establishment during one or more of the Identified Dates. The Secondary Establishments and Identified Dates are as follows:

- Baskin Robbins located at Waikele Center, HI 96797: June 30 and July 1, 2, 2016;
- Taco Bell located at 94-790 Uke’e St., Waipahu, HI 96797: July 1, 3, 4, 6, 7, 11, 2016;
- Sushi Shiono located at 69-201 Waikoloa Beach Drive, Waikoloa, HI 96738: July 12, 13, 14, 15, 18, 19, 20, 21, 2016;
- Costco Bakery located at 333A Keahole St., Honolulu, HI 96825: June 16, 17, 18, 19, 20, 2016;
- Chili’s Grill & Bar located at 590 Farrington Hwy, Kapolei, HI 96707: July 20, 21, 22, 23, 25, 26, 27, 2016;

² Stanley Sato is the named representative for Subclass 1.

³ Bryan Cuelho is the named representative for Subclass 2.

⁴ D’ann Ramos is the named representative for Subclass 3.

- Twelve Hawaiian Airlines flights: (1) flight 118 on July 24; (2) flight 117 on July 24; (3) flight 382 on July 24; (4) flight 383 on July 24; (5) flight 396 on July 24; (6) flight 365 on July 24; (7) flight 273 on July 25; (8) flight 68 on July 25; (9) flight 65 on July 25; (10) flight 147 on July 26; (11) flight 18 on August 10; and (12) flight 17 on August 12;
- Tamashiro Market located at 802 N. King St., Honolulu, HI 96817: July 23, 2016;
- Papa John's located at 94-1012 Waipahu St., Waipahu, HI 96797: August 2, 2016;
- New Lin Fong Bakery located at 1132 Maunakea St., Honolulu, HI 96817: July 27, 29, 30, and August 1, 3, 5, 6, 2016;
- Hokkaido Ramen Santouka, located at 801 Kaheka St., Honolulu, HI 96814: August 2, 3, 4, 5, 6, 9, 10, 11, 2016;
- Kipapa Elementary School located at 95-76 Kipapa Dr., Mililani, HI 96789: August 10, 11, 12, 13, 14, 15, 16, 2016;
- Zippy's Restaurant located at 950 Kamokila Blvd., Kapolei, HI 96707: August 21, 23, 25, 26, 2016;
- Harbor Restaurant at Pier 38 located at 1133 North Nimitz Hwy, Honolulu, HI 96817: August 30 through September 12, 2016;
- Ohana Seafood at Sam's Club located at 1000 Kamehameha Hwy., Pearl City, HI 96782: September 1 through September 11, 2016;
- Chart House Restaurant located at 1765 Ala Moana Boulevard, Honolulu, HI 96815: September 4, 8, 9, 10, 11, 2016; and
- McDonald's Restaurant located at 4618 Kilauea Avenue, Honolulu, HI 96816: October 5, 7, 11, 2016.

2. The court determines that final certification is warranted. The class meets all the requirements of Rule 23(a) and Rule 23(b)(3) as it is sufficiently numerous and class treatment resolves a number of issues of law and fact common to the all the class members. The court also finds that the representatives of the class present claims typical of the class and they are, along with class counsel, adequate representatives to protect the interests of the class. Finally, the court finds that the common legal and factual issues predominate this case, and that resolution of the matter on a class-wide basis is superior to other methods of adjudicating the claims.

3. The Court hereby approves the Settlement Agreement attached as Exhibit 1 to the Joint Motion as sufficiently fair, reasonable, and adequate, and finds that sufficient notice of the

proposed settlement was provided to the members of the Class. The Court also finds that the award to class members, the stipend to class representatives, and the Defendants' compensation of Plaintiffs' attorneys' fees reflect a fair and reasonable outcome for all parties involved.

4. The court finds that Lillian Y Kimura of Mililani, HI; Herbert M Yoshida of Honolulu, HI; Mildred M Sakata of Aiea, HI; and Hoa T. Nguyen of Honolulu, HI each submitted written requests for exclusion from the Settlement and that such requests were all submitted in a timely manner on or prior to the deadline of February 15, 2019. The court hereby excludes such persons from the certified Class and from the Settlement with respect to all of the matters released.

5. The Court finds that no persons filed timely or proper objections to the Settlement.

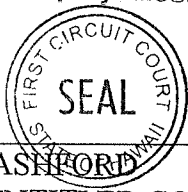
6. The Court finds, after review and discussion with the parties, that all claims submitted on or before March 2, 2019, will be treated as timely for purposes of payment under the Settlement.

7. The Court hereby finally approves the Settlement Agreement and dismisses the instant litigation (Circuit Court of the First Circuit, Hawai'i, Civil Nos. 16-1-1612, 16-1-1641 and 16-1-1702 (Consolidated Order Civil No. 17-1-HEP (JHA))) with prejudice.

8. Without affecting the finality of this Judgment for the purposes of appeal, the Court retains jurisdiction as to all matter relating to administration, consummation, enforcement, and interpretation of the Settlement Agreement and this Order, and for any other necessary purpose.


DATED: Honolulu, Hawai'i, March 11, 2019. *Any and all remaining claims, if any, are dismissed with prejudice.*

JAMES H. ASHFORD
HONORABLE JAMES H. ASHFORD
JUDGE OF THE ABOVE-ENTITLED COURT




IN RE: HEPATITIS A CASES, This Document Applies To: BRYAN CUEHLO, Civil No. 16-1-1612, STANLEY SATO, Civil No. 16-1-1641 and D'ANN RAMOS, Civil No. 16-1-1702 (Consolidated Order Civil No. 17-1-HEP (JHA)); Circuit Court of the First Circuit, State of Hawaii; **Final Judgment**


APPROVED AS TO FORM:




BRANDEE J.K. FARIA, ESQ.
TREVOR BROWN, ESQ.
WILLIAM MARLER, ESQ.
Attorneys for Plaintiffs
Bryan Cuelho, Stanley Sato and D'Ann Ramos,
individually and on behalf of all others similarly situated



STEFAN M. REINKE, ESQ.
MALIA E. SCHRECK, ESQ.
LESLIE R. KOP, ESQ.
Attorneys for Defendant
Genki Sushi USA, Inc.



CALVIN E. YOUNG, ESQ.
PATRICIA M. NAPIER, ESQ.
ANDREW K. RECKTENWALD, ESQ.
Attorneys for Defendant
Sea Port Products Corporation



STEVEN J.T. CHOW, ESQ.
KRISTIE M. KUTAKA, ESQ.
KYLEIGH K. NAKASONE, ESQ.
Attorneys for Defendant
HNK, Inc. dba Koha Foods

IN RE: HEPATITIS A CASES, This Document Applies To: BRYAN CUEHLO, Civil No. 16-1-1612, STANLEY SATO, Civil No. 16-1-1641 and D'ANN RAMOS, Civil No. 16-1-1702 (Consolidated Order Civil No. 17-1-HEP (JHA)); Circuit Court of the First Circuit, State of Hawaii; **Final Judgment**