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FIRST CIRCUIT COURT  
 STATE OF HAWAII  
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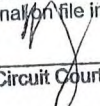
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 on behalf of all others similarly situated

**IN THE CIRCUIT COURT OF THE FIRST CIRCUIT**  
**STATE OF HAWAII**

IN RE:	)	CIVIL NO. 17-1-HEP (JHA)
	)	(Product Liability)
HEPATITIS A CASES	)	
	)	<b>ORDER GRANTING JOINT</b>
This Document Applies To:	)	<b>MOTION FOR FINAL APPROVAL</b>
	)	<b>OF CLASS CERTIFICATION AND</b>
	)	<b>CLASS SETTLEMENT FILED ON</b>
	)	<b>FEBRUARY 20, 2019</b>
	)	
	)	<u>CIVIL NO.</u>
BRYAN CUEHLO	)	16-1-1612
STANLEY SATO	)	16-1-1641
D'ANN RAMOS	)	16-1-1702

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

  
 Clerk, Circuit Court, First Circuit

)  
) No Trial Date Set  
) Hon. Judge James H. Ashford  
)

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**ORDER GRANTING JOINT MOTION FOR FINAL APPROVAL OF CLASS  
CERTIFICATION AND CLASS SETTLEMENT FILED ON FEBRUARY 20, 2019**

The court having reviewed the parties' Joint Motion for Final Approval of Class Certification and Class Settlement filed on February 20, 2019 ("*Joint Motion*"), finds and orders 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 restaurants<sup>1</sup> 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 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:

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<sup>1</sup> 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.

**Exposure Subclass 1:**<sup>2</sup> 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:**<sup>3</sup> 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:**<sup>4</sup> 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;
- 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;

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<sup>2</sup> Stanley Sato is the named representative for Subclass 1.

<sup>3</sup> Bryan Cuelho is the named representative for Subclass 2.

<sup>4</sup> D'ann Ramos is the named representative for Subclass 3.

- 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 Plaintiffs and Defendants entered into a Settlement Agreement, including the documents and exhibits incorporated therein, and later entered into an Amendment to Settlement Agreement, including the documents and exhibits incorporated therein (together, the "Settlement Agreement", attached as Exhibit 1 to the Joint Motion), to settle the above-captioned litigation (the "litigation"). The Settlement Agreement sets forth the terms and conditions for a proposed settlement and dismissal with prejudice of the litigation. The Court

hereby approves the Settlement Agreement 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.

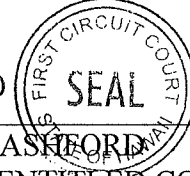
8. The parties shall file the report contemplated by Rule 23(f) of the Hawaii Rules of Civil Procedure, on or before December 15, 2019.

9. Without affecting the finality of this Order 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.

APPROVED AND SO ORDERED:

JAMES H. ASHFORD



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

APPROVED AS TO FORM:

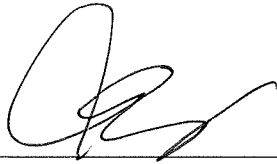
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Bryan Cuelho, Stanley Sato and D'Ann Ramos,  
individually and on behalf of all others similarly situated

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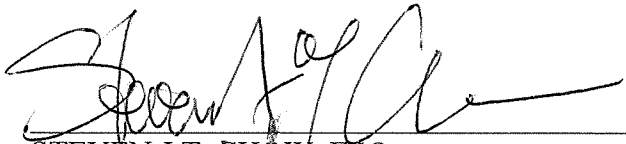
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IN RE: HEPATITIS A CASES, This Document Applies To: BRYAN CUEHLO, Civil No. 16-1-1612, STANLEY SATO, Civil No. 16-1-1641 and D'ANN RAMOS, Civil No. 16-1-1702 (Consolidated Order Civil No. 17-1-HEP (JHA)); Circuit Court of the First Circuit, State of Hawaii; **Order Granting Joint Motion for Final Approval of Class Certification and Class Settlement filed on February 20, 2019**



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