

1 THE HONORABLE ANDREA DARVAS
2 Department 23
3 Note for Motion: May 5, 2023 at 9 a.m.
4 With Oral Argument
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7

8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
9 COUNTY OF KING

10 JENIFER K. DEMARRE & RYAN A. DEMARRE,

11 Plaintiffs,

12 vs.

13 MUTUAL OF ENUMCLAW INSURANCE
14 COMPANY,

15 Defendant.
16

NO. 21-2-10304-5 SEA

**DECLARATION OF BLYTHE H.
CHANDLER IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS**

17
18 I, Blythe H. Chandler, declare as follows:

19 **A. Background and experience**

20 1. I am a member of the law firm of Terrell Marshall Law Group PLLC, counsel of
21 record for Plaintiffs in this matter. I am admitted to practice before this Court and am a
22 member in good standing of the bars of the state of Washington. I respectfully submit this
23 declaration in support of Plaintiffs' Motion for Class Certification. Except as otherwise noted, I
24 have personal knowledge of the facts set forth in this declaration and could testify competently
25 to them if called upon to do so.

26 2. Terrell Marshall is a law firm in Seattle, Washington, that focuses on complex
27 civil and commercial litigation with an emphasis on consumer protection, product defect, civil

1 rights, and wage and hour cases. Terrell Marshall has been appointed lead or co-lead counsel
2 representing multi-state and nationwide classes in state and federal court in Washington and
3 throughout the United States. Since its founding in 2008, the attorneys at Terrell Marshall have
4 represented scores of classes, tried class actions in state and federal court, and obtained
5 hundreds of millions of dollars in monetary relief to workers, consumers, and other individuals.

6 3. I joined Terrell Marshall in 2014 and became a member in 2018. I practice
7 complex litigation with a focus on prosecution of consumer class actions. I have been appointed
8 class counsel in cases challenging a wide range of unfair or deceptive practices, including debt
9 collection practices. In 2010, I received my J.D. from the University of Washington School of
10 Law with high honors, Order of the Coif. I served as Chief Articles Editor for the Washington Law
11 Review. Before joining Terrell Marshall, I served as a law clerk to the Honorable Betty B.
12 Fletcher, Senior United States Circuit Judge for the Ninth Circuit Court of Appeals, and to the
13 Honorable John C. Coughenour, Senior United States District Judge for the Western District of
14 Washington. I also served as a judicial extern to the Honorable Robert S. Lasnik, United States
15 District Judge for the Western District of Washington. I co-authored chapters of the Consumer
16 Protection Deskbook published by the Washington State Association for Justice (WSAJ) and
17 have spoken on topics including use of experts and personal jurisdiction in class actions. I am a
18 member of the Washington Employment Lawyers Association (WELA) Amicus Committee and
19 currently co-chair WSJA's Consumer Protection Section. I have been named to the Rising Star
20 List by Washington Super Lawyers.

21 **B. Qualifications of other Terrell Marshall attorneys and staff**

22 4. Amanda M. Steiner became a member of Terrell Marshall in 2015. She practices
23 complex litigation, including the prosecution of consumer, defective product, wage and hour,
24 and civil rights class actions. Ms. Steiner received her J.D. from the UC Berkeley School of Law in
25 1997. Admitted in Washington, California, New York and Hawaii, she has authored briefs that
26 have resulted in numerous favorable decisions for plaintiffs in high-profile and complex
27 securities, antitrust, consumer and civil rights class action in federal and state courts

1 throughout the United States. Ms. Steiner was selected for inclusion in the annual Northern
2 California “Super Lawyers” list and was named to the Top 50 Women Lawyers of Northern
3 California. She is a Fellow of the American Bar Foundation.

4 5. Ryan Tack-Hooper has been a member of Terrell Marshall since 2020. He
5 concentrates on class actions to protect employees, consumers, and people whose civil rights
6 have been violated. He has been co-lead counsel in successful litigation across the country in
7 state and federal courts, including cases involving discrimination on the basis of disability,
8 religion, speech, and race. In 2009, Mr. Tack-Hooper received a J.D., cum laude, from New York
9 University School of Law. Before joining Terrell Marshall, Mr. Tack-Hooper was the Legal
10 Director of the American Civil Liberties Union of Delaware, where he practiced civil rights law.
11 He has also served as an adjunct professor of law at the University of Pennsylvania Law School,
12 where he taught legal writing. He was a law clerk to the Honorable Jerome B. Simandle, Chief
13 Judge of the United States District Court for the District of New Jersey.

14 6. Ben Drachler joined Terrell Marshall as an associate in 2017. Mr. Drachler
15 concentrates his practice on complex civil litigation, including the prosecution of consumer,
16 defective product, and wage and hour class actions. Mr. Drachler also litigates complex disputes
17 involving vulnerable adults and trusts and estates. Mr. Drachler received his J.D. from Seattle
18 University, graduating magna cum laude in 2015. Before joining Terrell Marshall, Mr. Drachler
19 served as law clerk to the Honorable Robert H. Whaley in the United States District Court for
20 the Eastern District of Washington, and to the Honorable Thomas S. Zilly in the Western District
21 of Washington.

22 7. Jodi Nuss is a senior paralegal at Terrell Marshall. She has worked at the firm
23 since 2018. Ms. Nuss has more than twelve years of experience as a paralegal and is qualified to
24 perform substantive legal work based on her training and experience.

25 8. Examples of consumer protection class actions that Terrell Marshall is litigating
26 or has litigated to successful completion include:
27

- 1 a. *Gold, et al. v. Lumber Liquidators, Inc.*—Filed in 2014 on behalf
2 of a class of consumers who purchased defective flooring. The
3 Northern District of California granted final approval of the
4 settlement, valued at up to \$30 million, on October 22, 2020.
- 5 b. *Van Fleet v. Trion Worlds, Inc.*—Filed in 2015 on behalf of a
6 nationwide class of online video game players deprived of a
7 promised discount on purchases of virtual goods and who
8 participated in an alleged illegal lottery. The San Mateo County
9 Superior Court granted final approval of a \$420,000 settlement
10 on June 1, 2020.
- 11 c. *Wornicki v. BrokerPriceOpinion.com*—Filed in 2013 on behalf of
12 a nationwide class of people who provided home valuations,
13 known as broker price opinions, but who were not paid for the
14 opinions as promised. The District of Colorado granted final
15 approval of a settlement of more than \$1.5 million on
16 September 20, 2018.
- 17 d. *Jordan v. Nationstar Mortgage, LLC*—Filed in 2012 on behalf of
18 Washington homeowners who were improperly locked out of
19 their homes by their mortgage lender. The Eastern District of
20 Washington granted final approval of a \$17 million settlement
21 on May 2, 2019.
- 22 e. *Carrillo v. Wells Fargo Bank, N.A.*—Filed in 2018 on behalf of
23 borrowers who allege Wells Fargo charged them interest rates
24 on residential loans that were higher than the rates disclosed in
25 the bank’s buydown agreements and closing disclosures. The
26 case is currently pending in the Eastern District of New York.

18 9. Examples of Fair Debt Collection Practices Act class actions that Terrell Marshall
19 is litigating or has litigated to successful completion include:

- 20 a. *Long v. First Resolution Investment Corp.*—Filed in 2018 on
21 behalf of Washington consumers against whom a debt buyer
22 and its collection agency law firm obtained judgments when the
23 debt buyer was not licensed as a collection agency. The King
24 County Superior Court granted final approval of a settlement
25 providing over \$20 million in debt relief and \$600,000 on
26 August 28, 2020.
- 27 b. *Miller v. P.S.C., Inc.*—Filed in 2017 on behalf of Washington
consumers who alleged P.S.C. filed lawsuits against them using
unlawful debt collection forms. The Western District of

1 Washington granted final approval of a settlement that
2 provided injunctive relief and \$1.52 million on January 10, 2020.

3 c. *Bowen v. CSO Financial, Inc., et al.*—Filed in 2017 on behalf of
4 consumers in Washington who received unfair and deceptive
5 debt collection notices that included threats of criminal
6 prosecution. The Western District of Washington granted final
7 approval of a settlement that provided injunctive relief and
8 \$345,000 on July 2018.

9 d. *Dibb, et al. v. AllianceOne Receivables Management, Inc.*—Filed
10 in 2014 on behalf of Washington consumers who received
11 unfair and deceptive debt collection notices that included
12 threats of criminal prosecution. The Western District of
13 Washington granted final approval of the \$1.9 million
14 settlement on July 31, 2017.

15 e. *Solberg, et al. v. Victim Services, Inc., et al.*— Filed in 2014 on
16 behalf of California consumers who received false, misleading,
17 and deceptive debt collection letters printed on the letter head
18 of county prosecuting attorneys. The case has been certified as
19 a class action and is pending in the Northern District of
20 California.

21 f. *Cavnar, et al. v. BounceBack, Inc.*—Filed in 2014 on behalf of
22 Washington consumers who received false, misleading, and
23 deceptive debt collection letters printed on the letterhead of
24 county prosecuting attorneys. The Eastern District of
25 Washington granted final approval of the \$530,000 settlement
26 on September 15, 2016.

27 10. Since the beginning of this case, Terrell Marshall has worked with no guarantee
of being compensated for its time and efforts. Payment of Terrell Marshall's fees has always
been contingent on successfully obtaining relief for the Class Representatives and Class
Members. Terrell Marshall has advanced all costs of this litigation. As a result, there was a
substantial risk of non-payment, particularly in light of the challenges inherent in this type of
case. Work on this case has necessarily been to the exclusion of work on other matters that
likely would have generated fees. Terrell Marshall has also been denied use of the fees it
earned over the course of this case.

1 11. Attached as Exhibit 1 are contemporaneous, daily time reports reflecting the
2 work of Terrell Marshall's attorneys and staff on this matter. These records are prepared and
3 maintained by Terrell Marshall in the regular course of business. All entries for administrative
4 work have been removed. After those deductions, Terrell Marshall has a lodestar of
5 \$190,726.50 in reasonable attorneys' fees incurred for over 427 hours of work. I anticipate the
6 firm will incur additional fees in relation to the approval and settlement administration process.

7 12. The work performed by paralegal Jodi Nuss was work that an attorney or expert
8 would have had to perform absent such assistance. Ms. Nuss's work included analysis of MOE's
9 data that required an understanding of the facts and claims at issue in the case and was
10 important to the development Plaintiffs' damages model. She qualified to perform substantive
11 legal work based on her training and past experience working for attorneys.

12 13. I will ensure that Plaintiffs' motion for Attorneys' Fees, Costs, and Service Awards
13 and all supporting records including this declaration are posted on the settlement website
14 within one business day of filing it with the Court.

15 14. The lodestar calculations of Class Counsel are based on reasonable hourly rates.
16 Class Counsel set their rates for attorneys and staff members based on a variety of factors,
17 including among others: the experience, skill and sophistication required for the types of legal
18 services typically performed; the rates customarily charged in the markets where legal services
19 are typically performed; and the experience, reputation and ability of the attorneys and staff
20 members.

21 15. Terrell Marshall has incurred out-of-pocket litigation expenses totaling
22 \$6,982.94, to cover expenses related filing fees, service of process fees, transcripts, and
23 mediation fees. We seek an award of \$4,857, which is the amount we disclosed to Class
24 members we would see on the postcard notice. The following chart summarizes Terrell
25 Marshall's litigation costs:
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Category of Expense	Total
Service of Process	\$468.18
Court Reporting & Transcripts	\$2,417.35.76
Mediation	\$3,175.00
Filing Fees	\$922.41
TOTAL	\$6,982.94

16. Attached hereto as Exhibit 2 is the Final Approval Order and Judgment in *Long v. First Resolution Investment Corp.*, No. 19-2-11281-6 SEA, Final Approval Order and Judgment (King Cnty. Sup. Ct. Aug. 28, 2020).

17. Attached hereto as Exhibit 3 is the Order Granting Plaintiff's Unopposed Motion for Final Approval of Class Action Settlement and Award of Attorneys' Fees, Costs and Service Award in *Strong v. Numerica Credit Union*, No. 17-2-01406-39 (Yakima Cnty. Sup. Ct. Feb. 14, 2020) (awarding one-third of fund)).

18. Attached hereto as Exhibit 4 is the Final Approval Order and Entry of Judgment in *Dougherty v. Barrett Business Servs., Inc.*, No. 17-2-05619-1 (Clark Cnty. Sup. Ct. Nov. 8, 2019) (awarding one-third of fund)).

19. Attached hereto as Exhibit 5 is the Order Approving Award of Attorneys' Fees and Costs in *Terrell v. Costco Wholesale Corp.*, No. 16-2-19140-1 SEA (King Cnty. Sup. Ct. June 19, 2018) (awarding one-third of fund).

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Executed in Seattle, Washington, on this 20th day of January, 2023.

By: /s/ Blythe H. Chandler, WSBA #43387
Blythe H. Chandler, WSBA #43387

Exhibit 1

Terrell Marshall Law Group PLLC

Demarre v. Mutual of Enumclaw

Matter 2408-001

Date	Initials	Narrative	Units	Rate	Value
8/26/2022	AMS	Strategy conference about class certification motion [0.3].	0.3	\$ 575.00	\$ 172.50
8/29/2022	AMS	Worked on class certification motion [4.7].	4.7	\$ 575.00	\$ 2,702.50
9/1/2022	AMS	Worked on class certification motion [5.5].	5.5	\$ 575.00	\$ 3,162.50
9/2/2022	AMS	Worked on class certification motion, related research [5.6].	5.6	\$ 575.00	\$ 3,220.00
9/6/2022	AMS	Worked on motion for class certification, related research [7.3].	7.3	\$ 575.00	\$ 4,197.50
9/7/2022	AMS	Worked on motion for class certification [6.4].	6.4	\$ 575.00	\$ 3,680.00
9/8/2022	AMS	Worked on motion for class certification, related research [3.8].	3.8	\$ 575.00	\$ 2,185.00
9/15/2022	AMS	Worked on class certification motion and supporting documents [6.7].	6.7	\$ 575.00	\$ 3,852.50
9/16/2022	AMS	Finalized motion for class certification and supporting documents and motion to amend class certification schedule and file overlength briefs [8.8].	8.8	\$ 575.00	\$ 5,060.00
9/30/2022	AMS	Worked on confidentiality issues [0.3].	0.3	\$ 575.00	\$ 172.50
		Statement Professional: Amanda Steiner	49.4		\$ 28,405.00
2/25/2022	BMD	Telephone conference regarding out of state subpoenas [.5]; analyzed issues and conducted research regarding service of subpoenas [.3]; email correspondence regarding same [.2].	1	\$ 375.00	\$ 375.00
3/3/2022	BMD	Conducted research regarding service in Delaware, reviewed local rules in New Castle County, analyzed issues regarding same [1.5]; conducted entity research, analyzed issues regarding subpoena domestication in Oregon [1.6]; email correspondence regarding same [.1]; analyzed issues regarding subpoenas, reviewed Delaware rules of civil procedure [.8] follow up regarding same [.2]; telephone conference regarding subpoenas [.3].	4.5	\$ 375.00	\$ 1,687.50
3/4/2022	BMD	Finalized subpoenas [.6]; reviewed same [.1].	0.7	\$ 375.00	\$ 262.50
5/4/2022	BMD	Telephone conference regarding case strategy [.3]; worked on case strategy memo [5].	5.3	\$ 375.00	\$ 1,987.50

5/5/2022	BMD	Telephone conference regarding case status [.4]; worked on case strategy memo [4.5]; reviewed and analyzed [REDACTED] order, prepared summary [1].	5.9	\$ 375.00	\$ 2,212.50
5/6/2022	BMD	Telephone conference regarding strategy research [.3]; revised case strategy memo [6.8]. reviewed and analyzed [REDACTED] decision, prepared summary [.9]; email correspondence regarding impact [.1].	8.1	\$ 375.00	\$ 3,037.50
5/7/2022	BMD	Worked on case strategy memo [2].	2	\$ 375.00	\$ 750.00
5/8/2022	BMD	Worked on case strategy memo [6].	6	\$ 375.00	\$ 2,250.00
5/9/2022	BMD	Worked on 30(b)(6) topics [2.8].	2.8	\$ 375.00	\$ 1,050.00
5/12/2022	BMD	Telephone conference regarding depositions and case analysis [.5]; conducted research and worked on case analysis memo [3.6].	4.1	\$ 375.00	\$ 1,537.50
5/13/2022	BMD	Worked on claim research, prepared memo [3]; worked on 30(b)(6) notice [1].	4	\$ 375.00	\$ 1,500.00
5/23/2022	BMD	Email correspondence regarding depositions [.2]; revised, finalized 30(b)(6) notice [.4]; email correspondence with opposing counsel regarding 30(b)(6) deposition [.1].	0.7	\$ 375.00	\$ 262.50
		Statement Professional: Ben Drachler	45.1		\$ 16,912.50
9/22/2020	BHC	New matter and conflict check; drafted representation agreement [.4].	0.4	\$ 495.00	\$ 198.00
11/24/2020	BHC	Telephone conference with co-counsel regarding drafting complaint [.3].	0.3	\$ 495.00	\$ 148.50
12/10/2020	BHC	Telephone conference with co-counsel regarding complaint and proposed claims [.2].	0.2	\$ 495.00	\$ 99.00
2/4/2021	BHC	Worked on complaint [.6].	0.6	\$ 495.00	\$ 297.00
2/5/2021	BHC	Telephone call with co-counsel to discuss draft complaint [.5].	0.5	\$ 495.00	\$ 247.50
2/12/2021	BHC	Prepared for call with co-counsel regarding complaint; video conference regarding same [1.2].	1.2	\$ 495.00	\$ 594.00
2/24/2021	BHC	Worked on complaint [1.2].	1.2	\$ 495.00	\$ 594.00
2/26/2021	BHC	Worked on complaint; sent same to co-counsel with plan for filing [.4]. Telephone conference with co-counsel regarding same [.4]. Reviewed and approved final documents for filing [.2]. Reviewed filed documents and judge assignment; exchanged emails with co-counsel regarding same [.3].	1.3	\$ 495.00	\$ 643.50
3/1/2021	BHC	Email to co-counsel regarding discovery matters [.2].	0.2	\$ 495.00	\$ 99.00
3/3/2021	BHC	Email to staff regarding status of service [.1].	0.1	\$ 495.00	\$ 49.50

3/9/2021	BHC	Reviewed notice of appearance and exchanged email with co-counsel and staff regarding same [.2].	0.2	\$ 495.00	\$ 99.00
3/24/2021	BHC	Meeting with co-counsel to prepare for introductory meeting with defense counsel [.3]; meeting with defense counsel [.2].	0.5	\$ 495.00	\$ 247.50
4/27/2021	BHC	Case management conference with co-counsel [.2].	0.2	\$ 495.00	\$ 99.00
5/3/2021	BHC	Worked on discovery requests to Mutual of Enumclaw [.8]. Exchanged emails with co-counsel regarding case management matters [.2].	1	\$ 495.00	\$ 495.00
5/4/2021	BHC	Exchanged emails with co-counsel regarding venue and discovery matters [.2].	0.2	\$ 495.00	\$ 99.00
5/5/2021	BHC	Video conference with Mr. Caplow regarding case management and discovery [.4]; follow up conference with co-counsel regarding same [.5].	0.9	\$ 495.00	\$ 445.50
5/12/2021	BHC	Email to co-counsel regarding status of motion to amend and stipulation to transfer venue [.2].	0.2	\$ 495.00	\$ 99.00
5/17/2021	BHC	Legal research regarding [REDACTED] [REDACTED] [.7].	0.7	\$ 495.00	\$ 346.50
5/20/2021	BHC	Email memo to co-counsel regarding sending proposed amended complaint and stipulation regarding venue [.1].	0.1	\$ 495.00	\$ 49.50
6/8/2021	BHC	Email to co-counsel approving plan for stipulation, amendment, and production by defendant [.1].	0.1	\$ 495.00	\$ 49.50
6/9/2021	BHC	Worked on stipulation to change venue and checked local rules regarding same [.2].	0.2	\$ 495.00	\$ 99.00
6/14/2021	BHC	Discussed case management and filing amended complaint with co-counsel [.2].	0.2	\$ 495.00	\$ 99.00
8/12/2021	BHC	Telephone call with Mr. Tack-Hooper to discuss case status and management [.2].	0.2	\$ 495.00	\$ 99.00
8/26/2021	BHC	Read memo from co-counsel regarding [REDACTED] [REDACTED]; email response to same [.2].	0.2	\$ 495.00	\$ 99.00
8/31/2021	BHC	Video conference with co-counsel regarding case management and strategy in light of preliminary information from defense counsel [1].	1	\$ 495.00	\$ 495.00
9/30/2021	BHC	Discussed mediation proposal with co-counsel [1.3]. Reviewed applicable insurance regulations in preparation for discussions with co-counsel [.4].	1.7	\$ 495.00	\$ 841.50
10/14/2021	BHC	Worked on settlement track proposal letter [.3].	0.3	\$ 495.00	\$ 148.50
10/15/2021	BHC	Exchanged emails with co-counsel regarding letter to Mr. Caplow [.1].	0.1	\$ 495.00	\$ 49.50
11/3/2021	BHC	Exchanged emails with co-counsel regarding case management [.1].	0.1	\$ 495.00	\$ 49.50

1/13/2022	BHC	Reviewed and approved confirmation of joinder for filing [.2]; emails to co-counsel regarding same [.1].	0.3	\$ 495.00	\$ 148.50
2/23/2022	BHC	Email confirming mediation with Judge Erlick [.1].	0.1	\$ 495.00	\$ 49.50
3/1/2022	BHC	Telephone call with co-counsel regarding subpoenas [.1].	0.1	\$ 495.00	\$ 49.50
3/7/2022	BHC	Discussed primary witness disclosure with co-counsel [.1]; reviewed same [.1].	0.2	\$ 495.00	\$ 99.00
3/11/2022	BHC	Exchanged emails with Mr. Caplow and staff regarding class data [.2].	0.2	\$ 495.00	\$ 99.00
3/16/2022	BHC	Videoconference regarding data analysis for mediation submission [.6].	0.6	\$ 495.00	\$ 297.00
3/28/2022	BHC	Worked on mediation submission [1.8].	1.8	\$ 495.00	\$ 891.00
3/30/2022	BHC	Worked on mediation submission; analyzed issues related to same [.7].	0.7	\$ 495.00	\$ 346.50
3/31/2022	BHC	Telephone call with co-counsel regarding mediation submission [.3].	1.8	\$ 495.00	\$ 891.00
4/1/2022	BHC	Worked on mediation submission and mediation preparation [1.5].	0.1	\$ 495.00	\$ 49.50
4/1/2022	BHC	Email to Mr. Caplow regarding providing mediation submission [.1].	0.6	\$ 495.00	\$ 297.00
4/4/2022	BHC	Worked on draft settlement agreement; sent same to co-counsel [.3]; telephone call with co-counsel regarding mediation preparation [.3].	9	\$ 495.00	\$ 4,455.00
4/5/2022	BHC	Participated in mediation [8.2]; prepared for same [.8].	1.1	\$ 495.00	\$ 544.50
4/8/2022	BHC	Meet and confer with counsel for Audatex [.6]; follow up calls with co-counsel regarding same [.5].	0.7	\$ 495.00	\$ 346.50
4/13/2022	BHC	Worked on stipulated motion to amend case schedule and proposed stipulated protective order [.5]; sent same to Mr. Caplow [.1]. Responded to email from counsel for Audatex [.1].	0.7	\$ 495.00	\$ 346.50
4/18/2022	BHC	Telephone call from Mr. Caplow [.2]. Worked on stipulated protective order [.1]; approved same for filing [.1]. Worked on unopposed motion to extend case schedule [.2]; discussed same with Mr. Leonard [.1].	0.2	\$ 495.00	\$ 99.00
4/20/2022	BHC	Exchanged emails with co-counsel regarding motion to amend case schedule [.2].	0.1	\$ 495.00	\$ 49.50
4/21/2022	BHC	Exchanged emails with co-counsel and staff regarding noting date for motion to extend case schedule [.1].	0.5	\$ 495.00	\$ 247.50
4/22/2022	BHC	Reviewed stipulated protective order [.1]; sent same to counsel for Audatex [.1]. Reviewed client documents for production [.3].	0.3	\$ 495.00	\$ 148.50
4/26/2022	BHC	Email memo to co-counsel regarding discovery plan [.3].	0.2	\$ 495.00	\$ 99.00
5/16/2022	BHC	Email memo to co-counsel regarding case management [.2]. Worked on Rule 30(b)(6) deposition notice.	0.1	\$ 495.00	\$ 49.50
5/18/2022	BHC	Read emails regarding subpoenas and Rule 30(b)(6) notice [.1].			

6/6/2022	BHC	Read and analyzed Ninth Circuit opinion addressing [REDACTED] [REDACTED] [3].	0.3	\$ 495.00	\$ 148.50
6/8/2022	BHC	Read and analyzed co-counsel's summary of Audatex data [.6]. Meeting with co-counsel regarding case management strategy [.5].	1.1	\$ 495.00	\$ 544.50
6/9/2022	BHC	Exchanged emails with co-counsel regarding deposition notices [.1].	0.1	\$ 495.00	\$ 49.50
6/17/2022	BHC	Meeting with co-counsel regarding 30(b)(6) objections [.2]; discussion with Mr. Caplow regarding same [.5].	0.7	\$ 495.00	\$ 346.50
6/27/2022	BHC	Discussed deposition with co-counsel [.2].	0.2	\$ 495.00	\$ 99.00
7/8/2022	BHC	Attended Rule 30(b)(6) deposition.	5.1	\$ 495.00	\$ 2,524.50
7/11/2022	BHC	Videoconference with co-counsel regarding case management and client depositions [.8].	0.8	\$ 495.00	\$ 396.00
8/2/2022	BHC	Analyzed data in preparation for case management meeting with co-counsel [.3]. Case management meeting with co-counsel [.7].	1	\$ 495.00	\$ 495.00
8/4/2022	BHC	Reviewed draft settlement demand and settlement agreement [.7]. Telephone calls with co-counsel regarding settlement demand [.6]. Worked on settlement agreement language [.4].	1.7	\$ 495.00	\$ 841.50
8/10/2022	BHC	Exchanged emails with co-counsel regarding settlement negotiations [.3].	0.3	\$ 495.00	\$ 148.50
8/17/2022	BHC	Exchanged emails regarding conference with counsel; scheduled same [.1].	0.1	\$ 495.00	\$ 49.50
8/19/2022	BHC	Meeting with Mr. Caplow regarding settlement [.5].	0.5	\$ 495.00	\$ 247.50
8/23/2022	BHC	Discussed data analysis with Ms. Nuss [.1]; drafted email to Mr. Caplow regarding data analysis issues [.3]; sent same [.1].	0.5	\$ 495.00	\$ 247.50
8/31/2022	BHC	Meeting with Mr. Caplow regarding settlement negotiations [.4]; prepared for same [.2]; telephone call with Mr. Leonard regarding same [.1]; email memo to all co-counsel regarding information from Mr. Caplow and next steps [.4].	1.1	\$ 495.00	\$ 544.50
9/6/2022	BHC	Email to Mr. Caplow regarding data discrepancies [.3]. Video conference with Mr. Caplow regarding settlement negotiations [.8]; videoconference with co-counsel following up on same [.4].	1.5	\$ 495.00	\$ 742.50
9/7/2022	BHC	Prepared for videoconference with Mr. Caplow regarding potential settlement [.8]. Video conference with Mr. Caplow regarding settlement negotiations [.7]. Exchanged emails with co-counsel regarding conference with Mr. Caplow [.2].	1.7	\$ 495.00	\$ 841.50
9/8/2022	BHC	Email to co-counsel regarding strategy for response to MOE settlement offer [1.2]. Email to Mr. Caplow responding to MOE settlement offer [.3]. Discussed settlement options with co-counsel [.5].	2	\$ 495.00	\$ 990.00

9/9/2022	BHC	Discussed MOE counteroffer with co-counsel and response to same [.3]. Email to Mr. Caplow providing Plaintiff's second counter offer [.2]; telephone call from Mr. Caplow regarding same [.4].	0.9	\$ 495.00	\$ 445.50
9/13/2022	BHC	Worked on Plaintiffs' motion for class certification.	1.5	\$ 495.00	\$ 742.50
9/13/2022	BHC	Continued work on Plaintiffs' motion for class certification.	3.9	\$ 495.00	\$ 1,930.50
9/15/2022	BHC	Discussed motion for class certification with co-counsel [.3].	0.3	\$ 495.00	\$ 148.50
9/15/2022	BHC	Email to Mr. Caplow regarding confidential documents to be filed with class certification [.1].	0.1	\$ 495.00	\$ 49.50
9/16/2022	BHC	Worked on Plaintiffs' motion for class certification.	2.8	\$ 495.00	\$ 1,386.00
9/23/2022	BHC	Exchanged emails with Mr. Caplow regarding renoting motion to seal [.1]; approved re-note for filing [.1].	0.2	\$ 495.00	\$ 99.00
9/30/2022	BHC	Telephone call from Mr. Fox regarding Audatex request to renote sealing motion [.1]; approved renote for filing and sent same to all counsel [.1]. Email to Mr. Caplow regarding proposed redactions and scheduling settlement call [.1]; email to co-counsel regarding redactions issue [.1].	0.4	\$ 495.00	\$ 198.00
10/3/2022	BHC	Telephone call from Mr. Caplow regarding motion to seal and settlement negotiations [.2].	0.2	\$ 495.00	\$ 99.00
10/6/2022	BHC	Voice message for Mr. Caplow returning his call regarding settlement discussions [.1]. Telephone call with Mr. Caplow regarding MOE offer of settlement [.3]; email memo to co-counsel regarding same [.1]; video conference with co-counsel regarding response to offer [.3].	0.8	\$ 495.00	\$ 396.00
10/7/2022	BHC	Voicemail for Mr. Caplow regarding settlement negotiation [.1].	0.1	\$ 495.00	\$ 49.50
10/11/2022	BHC	Videoconference with co-counsel regarding settlement offer [.2]; telephone call with Mr. Caplow regarding same [.1]. Worked on	0.6	\$ 495.00	\$ 297.00
10/12/2022	BHC	Worked on settlement agreement [.9]. Email to counsel for Audatex regarding settlement [.1]. Worked on settlement distribution [.1].	1.1	\$ 495.00	\$ 544.50
10/13/2022	BHC	Email notifying Court of settlement [.1]. Exchanged emails with co-counsel regarding settlement terms [.2]. Worked on revised settlement agreement and sent same to defense counsel [.5]. Exchanged emails with staff regarding submitting working copies [.1].	0.9	\$ 495.00	\$ 445.50
10/14/2022	BHC	Telephone call with co-counsel regarding settlement agreement [.2]. Worked on settlement agreement [.2]. Worked on settlement notices.	0.8	\$ 495.00	\$ 396.00
10/17/2022	BHC	Worked on settlement agreement revisions from Mr. Caplow; email to co- counsel regarding same [.9].	0.9	\$ 495.00	\$ 445.50

10/18/2022	BHC	Email to Ms. Terrell regarding outstanding issues related to settlement agreement [.3]. Revised settlement agreement and class notices; drafted stipulated motion to stay in light of settlement; sent same to Mr. Caplow [1.6]. Telephone call with Mr. Caplow regarding stipulated motion to stay and other matters in revised settlement agreement [.2].	2.1	\$ 495.00	\$ 1,039.50	
10/24/2022	BHC	Updated notice postcards and sent same to Mr. Caplow [.2]. Commenced drafting motion for preliminary approval of settlement [.3].	0.5	\$ 495.00	\$ 247.50	
10/25/2022	BHC	Worked on motion for preliminary approval.	1.1	\$ 495.00	\$ 544.50	
10/26/2022	BHC	Telephone call with Mr. Caplow regarding finalizing settlement agreement [.2]. Worked on settlement agreement; proposed order; and motion for preliminary approval of settlement [2.1].	2.3	\$ 495.00	\$ 1,138.50	
10/27/2022	BHC	Revised settlement agreement and exhibits per email from Mr. Caplow [.3]. Completed draft of motion for preliminary approval of settlement	1.8	\$ 495.00	\$ 891.00	
10/28/2022	BHC	Continued Settlement Agreement corrections; motion for preliminary approval and proposed order.	1.8	\$ 495.00	\$ 891.00	
11/2/2022	BHC	Email to Mr. Caplow regarding settlement agreement [.1].	0.1	\$ 495.00	\$ 49.50	
11/3/2022	BHC	Worked on settlement agreement [.2].	0.2	\$ 495.00	\$ 99.00	
11/4/2022	BHC	Completed work on motion for preliminary approval [.4].	0.4	\$ 495.00	\$ 198.00	
11/8/2022	BHC	Exchanged emails with Mr. Caplow regarding signatures on settlement agreement [.1].	0.1	\$ 495.00	\$ 49.50	
11/9/2022	BHC	Reviewed final versions of motion for preliminary approval and supporting documents and approved same for filing [.3].	0.3	\$ 495.00	\$ 148.50	
11/21/2022	BHC	Email to Mr. Caplow regarding order on class certification [.2].	0.2	\$ 495.00	\$ 99.00	
11/28/2022	BHC	Telephone call from Mr. Caplow regarding court's certification order [1]. Drafted stipulation and proposed order regarding class certification order; sent same to all counsel [.5]. Reviewed and approved stipulated motion for filing [.2]. Joint telephone call to court regarding filed stipulation [.1]. Telephone call from Mr. Caplow regarding assembling class list for notice [.4].	2.2	\$ 495.00	\$ 1,089.00	
12/20/2022	BHC	Prepared for preliminary approval hearing [1.5]; joined Zoom until notice of recheduled hearing recieved [.3]; exchanged emails with all counsel and the court regarding rescheduling hearing [.2].	2	\$ 495.00	\$ 990.00	
12/21/2022	BHC	Prepared for preliminary approval hearing; attended same [.7]. Reviewed preliminary approval order and docketing related to same [.1].	0.8	\$ 495.00	\$ 396.00	
12/23/2022	BHC	Worked on issues related to class notice list [.3].	0.3	\$ 495.00	\$ 148.50	

12/28/2022	BHC	Worked on settlement website [.5].		0.5	\$ 495.00	\$ 247.50	
1/13/2023	BHC	Email to Mr. Caplow approving class notice list [.2]. Revised class settlement notices and sent same to Mr. Caplow [.4].		0.6	\$ 500.00	\$ 300.00	
		Statement Professional: Blythe Chandler		85		\$ 42,078.00	
3/3/2022	ET	Researched Audatex location and registered agent for service [0.5]		0.5	\$ 125.00	\$ 62.50	
		Statement Professional: Eva Thomas		0.5		\$ 62.50	
6/10/2021	JN	Reviewed email from Ms. Childs enclosing production documents and responses to same.[.1]		0.1	\$ 195.00	\$ 19.50	
8/26/2021	JN	Reviewed email regarding contents of defendant's production and prepared email containing policy documents produced.[.1]		0.1	\$ 195.00	\$ 19.50	
3/10/2022	JN	Processed production of class data.[.3]		0.3	\$ 195.00	\$ 58.50	
3/14/2022	JN	Prepared emails regarding data productions and plans for processing and analysis of same.[.1]		0.1	\$ 195.00	\$ 19.50	
3/16/2022	JN	Reviewed complaint and data productions and attended team call regarding analysis of same.[.7]		0.7	\$ 195.00	\$ 136.50	
3/21/2022	JN	Worked on document review and research and analysis of data produced.[1.1]		1.1	\$ 195.00	\$ 214.50	
3/22/2022	JN	Worked on document review and research and analysis of data produced.[1.7]		1.7	\$ 195.00	\$ 331.50	
3/23/2022	JN	Prepared for and attended meeting regarding data analysis.[.4]; Data analysis[2.5]; Research regarding damages calculations by percentage of indemnity value.[.4]		3.3	\$ 195.00	\$ 643.50	
3/24/2022	JN	Continued research on AutoSource bands and completed data analysis and summary.[1.4];		1.4	\$ 195.00	\$ 273.00	
3/29/2022	JN	Worked on data analysis and prepared output files and email summaries enclosing same.[1.6]		1.6	\$ 195.00	\$ 312.00	
3/31/2022	JN	Worked on issues regarding higher percentages for damages calculations.[.1]; Worked on data analysis to incorporate higher percentages and correct salvage class statistics.[.9]		1	\$ 195.00	\$ 195.00	
4/4/2022	JN	Worked on strategy for preparation of mediation data[.1]; Worked on data.[.3]		0.4	\$ 195.00	\$ 78.00	
4/8/2022	JN	Worked on issues regarding plans for proceeding with case post-mediation.[.2]		0.2	\$ 195.00	\$ 39.00	

4/22/2022	JN	Worked on production of documents.[.7]		0.7	\$ 195.00	\$ 136.50	
4/25/2022	JN	Prepared revised production and prepared email to all counsel enclosing same.[.3];		0.3	\$ 195.00	\$ 58.50	
4/26/2022	JN	Reviewed email from Ms. Childs enclosing document production and prepared emails regarding same.[.1]; Worked on processing and logging of recent productions.[.7];		0.8	\$ 195.00	\$ 156.00	
6/9/2022	JN	Worked on data analysis.		1.3	\$ 195.00	\$ 253.50	
6/10/2022	JN	Worked on data analysis.		4	\$ 195.00	\$ 780.00	
6/13/2022	JN	Worked on data analysis.		1.4	\$ 195.00	\$ 273.00	
6/17/2022	JN	Prepared production of Audatex subpoena responses and prepared email to Mr. Caplow enclosing same.[.3]		0.3	\$ 195.00	\$ 58.50	
6/17/2022	JN	Worked on data analysis.		3	\$ 195.00	\$ 585.00	
6/17/2022	JN	Worked on processing of CoPart production and prepared emails regarding same.[.3]		0.3	\$ 195.00	\$ 58.50	
6/21/2022	JN	Prepared summary of analysis of Audatex and MOE produced data.[.8]; Continued working on data analysis.[1.2]		2	\$ 195.00	\$ 390.00	
7/11/2022	JN	Prepared email regarding production of Copart subpoena responses and reviewed response to same.[.1]		0.1	\$ 195.00	\$ 19.50	
7/11/2022	JN	Prepared Copart documents for production and email enclosing link to same.[.2]; Worked on processing of Copart production.[.3]		0.5	\$ 195.00	\$ 97.50	
8/2/2022	JN	Attended team call regarding depositions and data analysis to be completed in advance of filing of motion for class certification.[.6]; Worked on data analysis.[.4]		1	\$ 195.00	\$ 195.00	
8/3/2022	JN	Worked on analysis of data.		2	\$ 195.00	\$ 390.00	
8/19/2022	JN	Worked on analysis of data produced.		1.6	\$ 195.00	\$ 312.00	
8/22/2022	JN	Prepared summary of preliminary analysis of recent data production.[.2]; Worked on data analysis and prepared summary of same.[1.9]		2.1	\$ 195.00	\$ 409.50	
8/31/2022	JN	Video conference with Mr. Caplow regarding data discrepancies.[.4]		0.4	\$ 195.00	\$ 78.00	
8/31/2022	JN	Worked on data analysis.		0.7	\$ 195.00	\$ 136.50	
9/1/2022	JN	Worked on data analysis.		1.4	\$ 195.00	\$ 273.00	
9/2/2022	JN	Worked on data analysis.[1.7]		1.7	\$ 195.00	\$ 331.50	
9/2/2022	JN	Worked on data analysis.		1.8	\$ 195.00	\$ 351.00	
9/6/2022	JN	Worked on processing of productions.[.2]		0.2	\$ 195.00	\$ 39.00	
9/6/2022	JN	Worked on data analysis.[.6]		1.1	\$ 195.00	\$ 214.50	

9/6/2022	JN	Video conference with Mr. Caplow regarding data discrepancies.[.7]; Worked on issues regarding plans for addressing same.[.1]		0.8	\$ 195.00	\$ 156.00	
9/8/2022	JN	Reviewed email from Mr. Caplow regarding discussions of potential settlement.[.1]		0.1	\$ 195.00	\$ 19.50	
9/14/2022	JN	Worked on exhibits to motion for class cert		1.4	\$ 195.00	\$ 273.00	
9/15/2022	JN	Identified confidential exhibits and exhibits that require additional redactions and prepared email regarding same.[]		0.5	\$ 195.00	\$ 97.50	
10/11/2022	JN	Worked on data analysis regarding pro-rata shares for potential settlement.[.3]		0.3	\$ 195.00	\$ 58.50	
10/12/2022	JN	Prepared revised settlement award spreadsheet with adjustable fields.[.3]		0.3	\$ 195.00	\$ 58.50	
11/4/2022	JN	Worked on issues regarding damages analysis and declaration in support of motion for preliminary approval.[.2]		0.2	\$ 195.00	\$ 39.00	
1/3/2023	JN	Worked on data analysis[2.5]; Call regarding same.[.3]		2.8	\$ 195.00	\$ 546.00	
1/13/2023	JN	Worked on analysis of latest data file produced by Defendant and prepared email regarding same.[.2]		0.2	\$ 195.00	\$ 39.00	
		Statement Professional: Jodi Nuss		47.3		\$ 9,223.50	
12/28/2022	MT	Created settlement website page for Demarre v Mutual of Enumclaw (2).		2	\$ 125.00	\$ 250.00	
12/29/2022	MT	Completed web page and made edits requested by Ms. Chandler (1).		1	\$ 125.00	\$ 125.00	
		Statement Professional: Michelle Terrell		3		\$ 375.00	
11/24/2020	RT	Call with co-counsel re: complaint drafting [.3]; initial review of client documents [1.1]		1.4	\$ 475.00	\$ 665.00	
12/7/2020	RT	Review of client documents and correspondence [2.4]; Research into law regarding salvage deduction [1.8]		4.2	\$ 475.00	\$ 1,995.00	
12/8/2020	RT	Research into law regarding [REDACTED] [1.8]; Review of prior Enumclaw litigation pleadings, motion practice, and decisions [2]		3.8	\$ 475.00	\$ 1,805.00	
12/9/2020	RT	Research into law regarding [REDACTED] [2.2]; Research into arguments [REDACTED] [1.1]; Prep and call with co-counsel re: investigation [.3]		3.6	\$ 475.00	\$ 1,710.00	
12/10/2020	RT	Email to co-counsel with questions and issues re: investigation [.4]		0.4	\$ 475.00	\$ 190.00	
12/18/2020	RT	Follow-up email to co-counsel on complaint questions [.1]		0.1	\$ 475.00	\$ 47.50	
1/6/2021	RT	Complaint drafting [5]		5	\$ 475.00	\$ 2,375.00	
1/28/2021	RT	Complaint drafting [3.5]; research and analysis on [REDACTED] [REDACTED] [1.5]		5	\$ 475.00	\$ 2,375.00	

2/1/2021	RT	Finished draft complaint [6.3]		6.3	\$ 475.00	\$ 2,992.50	
2/5/2021	RT	Call w/ co-counsel re: complaint [.5]		0.5	\$ 475.00	\$ 237.50	
2/7/2021	RT	Revised complaint [1].		1	\$ 475.00	\$ 475.00	
2/12/2021	RT	Call w/ co-counsel re: complaint [.7]		0.7	\$ 475.00	\$ 332.50	
2/13/2021	RT	Revised complaint [1.5]		1.5	\$ 475.00	\$ 712.50	
2/16/2021	RT	Research on necessity of bringing action on behalf of [REDACTED] [2.3]		2.3	\$ 475.00	\$ 1,092.50	
2/24/2021	RT	Revised complaint [1.1]		1.1	\$ 475.00	\$ 522.50	
3/16/2021	RT	Sorting out appearance and case schedule [.2]; call with opposing counsel [.2]		0.4	\$ 475.00	\$ 190.00	
3/18/2021	RT	Drafted declaration of service [.7]		0.7	\$ 475.00	\$ 332.50	
3/24/2021	RT	Prep for call with opposing counsel [.5]; call with opposing counsel [.3]		0.8	\$ 475.00	\$ 380.00	
4/27/2021	RT	Status call with co-counsel [.3]; review of answer [1.2]; drafted first set of requests for production [3.9]		5.4	\$ 475.00	\$ 2,565.00	
4/29/2021	RT	Drafted first set of interrogatories [5.5]		5.5	\$ 475.00	\$ 2,612.50	
4/30/2021	RT	Revised interrogatories and requests for production and added instructions and definitions [3.1]		3.1	\$ 475.00	\$ 1,472.50	
5/4/2021	RT	Call with opposing counsel re: venue issues [.2]; research on WA superior court venue rules [1.1]; revised draft discovery requests [.8]		2.1	\$ 475.00	\$ 997.50	
5/5/2021	RT	Draft stipulation on change of venue [.7]; call with co-counsel re: answer and venue issues [.4]; call with opposing counsel re: discovery [.6]; drafted proposed order on change of venue [.4]; prep for call on discovery [1]		3.1	\$ 475.00	\$ 1,472.50	
5/6/2021	RT	Finalizing stipulation on change of venue [.2]		0.2	\$ 475.00	\$ 95.00	
5/14/2021	RT	Drafted amended complaint [.7]; review of effect of earlier settlement on potential claims [.5]		1.2	\$ 475.00	\$ 570.00	
5/17/2021	RT	Call with co-counsel re: remaining issues in amended complaint [.5]; review of authority on permissible scope of class settlements [.5]		1	\$ 475.00	\$ 475.00	
5/19/2021	RT	Email to co-counsel re: amendment and venue [.2]		0.2	\$ 475.00	\$ 95.00	
5/20/2021	RT	Call with opposing counsel on consent to amend [.3]		0.3	\$ 475.00	\$ 142.50	
5/27/2021	RT	Review of communication from opposing counsel [.1]; emails to opposing counsel regarding amended pleadings [.2]		0.3	\$ 475.00	\$ 142.50	
6/7/2021	RT	Call w/ opposing counsel re: amended complaint, discovery [.1]; email to co-counsel on plan for amendment, discovery [.2]; email to counsel re: discovery format [.1]		0.4	\$ 475.00	\$ 190.00	
6/9/2021	RT	Reviewed, finalized, and supervised filing of stipulation to change venue		0.6	\$ 475.00	\$ 285.00	

6/21/2021	RT	Investigation of status of venue transfer [.3]		0.3	\$ 475.00	\$ 142.50	
6/24/2021	RT	Review of initial discovery production [3.5]; email to co-counsel re: discovery [.2]		3.7	\$ 475.00	\$ 1,757.50	
7/2/2021	RT	Review of local rules related to transfer of venue and issue with Pierce County transfer [.7]; call with opposing counsel re: transfer issue and status of jury demand [.1]; review and filing of jury demand [.3]		1.1	\$ 475.00	\$ 522.50	
8/10/2021	RT	Call with opposing counsel re: discovery and case status [.2]		0.2	\$ 475.00	\$ 95.00	
8/23/2021	RT	Call with opposing counsel re: discovery and status [.5]		0.5	\$ 475.00	\$ 237.50	
8/24/2021	RT	Call with co-counsel re: discovery and [REDACTED] [.5]		0.5	\$ 475.00	\$ 237.50	
8/31/2021	RT	Call w/ co-counsel re: new salvage information and discovery status [1]		1	\$ 475.00	\$ 475.00	
9/28/2021	RT	Call w/ opposing counsel re: discovery and mediation track [.9]; email to co-counsel summarizing call and discussing case strategy [.5]		1.4	\$ 475.00	\$ 665.00	
9/29/2021	RT	Discussion with co-counsel re: case strategy [.3]		0.3	\$ 475.00	\$ 142.50	
9/30/2021	RT	Call w/ co-counsel re: discovery and mediation track [.7]; revised discovery requests [1]; finalized amended pleading [.5]		2.2	\$ 475.00	\$ 1,045.00	
10/14/2021	RT	Drafted letter proposing mediation and discovery framework [2]; investigation into salvage entity market practices [.5]		2.5	\$ 475.00	\$ 1,187.50	
10/15/2021	RT	Revised and sent mediation proposal letter [.7]; emails w/ co-counsel re: mediation proposal [.3]		1	\$ 475.00	\$ 475.00	
10/22/2021	RT	Review and analysis of Answer [.5]		0.5	\$ 475.00	\$ 237.50	
11/8/2021	RT	Call with opposing counsel re: discovery and mediation proposal [.8]; prep for call with opposing counsel [.6]		1.4	\$ 475.00	\$ 665.00	
12/21/2021	RT	Prep and call with opposing counsel re: discovery and settlement talks [1]; review of document production [2.5]; arranging mediation dates [.3]		3.8	\$ 475.00	\$ 1,805.00	
2/3/2022	RT	Review and analysis of other cases addressing Copart or salvage estimate practices [3.6]		3.6	\$ 475.00	\$ 1,710.00	
2/10/2022	RT	Review and analysis of other cases addressing Audatex practices [2.9]		2.9	\$ 475.00	\$ 1,377.50	
2/11/2022	RT	Review of discovery as relevant to third party subpoenas [2.5]		2.5	\$ 475.00	\$ 1,187.50	
2/15/2022	RT	Revised third party subpoenas [1.2]; Research on jurisdiction issues related to subpoenas [1.9]		3.1	\$ 475.00	\$ 1,472.50	
2/25/2022	RT	Revised third party subpoenas [.9]		0.9	\$ 475.00	\$ 427.50	
3/3/2022	RT	Review and revision of third-party subpoenas [.6]		0.6	\$ 475.00	\$ 285.00	
3/4/2022	RT	Review and revision of third-party subpoenas [.9]		0.9	\$ 475.00	\$ 427.50	
3/7/2022	RT	Drafted primary witness disclosures [2.5]		2.5	\$ 475.00	\$ 1,187.50	
3/16/2022	RT	Review of discovery re: fact section of mediation letter [2.1]		2.1	\$ 475.00	\$ 997.50	

3/22/2022	RT	Drafted fact section of mediation letter [2.5]; Review and analysis of precedent on WAC 391 [1.8]; Review and analysis of precedent re: [REDACTED] [0.9]	5.2	\$ 475.00	\$ 2,470.00
3/23/2022	RT	Review and revision of damages estimate [.5]	0.5	\$ 475.00	\$ 237.50
3/25/2022	RT	Review and revision of damages model [.8]; Drafted exposure section of mediation letter [1.7]; Drafted legal analysis section of mediation letter [3.5]; revised mediation letter [1.5]; Review and analysis of precedent on [REDACTED] [2.2]	9.7	\$ 475.00	\$ 4,607.50
3/28/2022	RT	Revised mediation submission [.5]	0.5	\$ 475.00	\$ 237.50
3/29/2022	RT	Revised mediation submission [1.2]	1.2	\$ 475.00	\$ 570.00
3/30/2022	RT	Revised mediation letter [.5]; revised damages model [.5]	1	\$ 475.00	\$ 475.00
3/31/2022	RT	Finalized mediation submission [2]	2	\$ 475.00	\$ 950.00
4/1/2022	RT	Drafted settlement agreement [5.2]	5.2	\$ 475.00	\$ 2,470.00
4/4/2022	RT	Prep for mediation [3.8]; Revised settlement proposal [.6]; call w/ paralegal [.1]	4.5	\$ 475.00	\$ 2,137.50
4/5/2022	RT	Mediation [8.5]	8.5	\$ 475.00	\$ 4,037.50
4/8/2022	RT	Call w/ co-counsel re: Audatex subpoena [.3]; prep and call w/ counsel for Audatex re: subpoena [.9]	1.2	\$ 475.00	\$ 570.00
4/21/2022	RT	Prepared production of client documents [1.9]	1.9	\$ 475.00	\$ 902.50
4/22/2022	RT	Finalizing production of client docs [.5]	0.5	\$ 475.00	\$ 237.50
5/2/2022	RT	Jury demand [.5]	0.5	\$ 475.00	\$ 237.50
5/4/2022	RT	Call w/ co-counsel discussing research project and prep for deposition [.4]; prep for call w/ co-counsel [.5]	0.9	\$ 475.00	\$ 427.50
5/5/2022	RT	Call w/ associate re: case research [.4]	0.4	\$ 475.00	\$ 190.00
5/12/2022	RT	Call w/ associate re: preparing 30(b)(6) notice [.4]; review and revision of draft 30(b)(6) notice [.8]	1.2	\$ 475.00	\$ 570.00
5/16/2022	RT	Revised draft 30b6 notice [.2]	0.2	\$ 475.00	\$ 95.00
5/18/2022	RT	Revised 30b6 notice [.5]; email to Audatex re: subpoena [.2]	0.7	\$ 475.00	\$ 332.50
5/24/2022	RT	Prep and call with Copart re: subpoena [.7]; email re: meet and confer on copart subpoena [.5]	1.2	\$ 475.00	\$ 570.00
6/7/2022	RT	Prep and call w/ Copart attorney re: subpoena [.9]	0.9	\$ 475.00	\$ 427.50
6/8/2022	RT	Prep and call w/ co-counsel re: case strategy [1.2]	1.2	\$ 475.00	\$ 570.00
6/16/2022	RT	Identification of documents for use in 30(b)(6) deposition [2.9]	2.9	\$ 475.00	\$ 1,377.50
6/17/2022	RT	Call w/ copart counsel re: subpoena [.4]; prep and meet and confer re: deposition [1.5]; review and analysis of objections to deposition [1.8]	3.7	\$ 475.00	\$ 1,757.50

6/22/2022	RT	Call w/ Copart counsel re: subpoena [.3]		0.3	\$ 475.00	\$ 142.50	
7/5/2022	RT	Call with Copart counsel re: subpoena [.3]		0.3	\$ 475.00	\$ 142.50	
7/6/2022	RT	Prepared outline for first third of 30b6 deposition [6.1]		6.1	\$ 475.00	\$ 2,897.50	
7/7/2022	RT	Completed outline for 30b6 deposition [11.4]		11.4	\$ 475.00	\$ 5,415.00	
7/8/2022	RT	Final preparation and 30b6 deposition [7.9]		7.9	\$ 475.00	\$ 3,752.50	
7/11/2022	RT	Call w/ co-counsel [.8]; deposition planning [.4]		1.2	\$ 475.00	\$ 570.00	
8/1/2022	RT	Review and notes on key passages for 30(b)(6) transcript [2.2]		2.2	\$ 475.00	\$ 1,045.00	
8/2/2022	RT	Prep and call w/ co-counsel re: case strategy [.9]		0.9	\$ 475.00	\$ 427.50	
8/3/2022	RT	Revised draft settlement agreement [2.2]		2.2	\$ 475.00	\$ 1,045.00	
8/4/2022	RT	Prep and call w/ co-counsel re: settlement proposal [.9]		0.9	\$ 475.00	\$ 427.50	
8/5/2022	RT	Scheduling of remaining depositions [.4]		0.4	\$ 475.00	\$ 190.00	
8/10/2022	RT	Call w/ opposing counsel and summary to team [.3]		0.3	\$ 475.00	\$ 142.50	
8/19/2022	RT	Prep and call re: settlement [.5]		0.5	\$ 475.00	\$ 237.50	
9/6/2022	RT	Call w/ co-counsel re: case status and settlement [.6]		0.6	\$ 475.00	\$ 285.00	
9/7/2022	RT	Settlement call [.7]		0.7	\$ 475.00	\$ 332.50	
9/8/2022	RT	Email to opposing counsel on scheduling and depositions [.2]		0.2	\$ 475.00	\$ 95.00	
9/16/2022	RT	Communication with counsel for Audatex re: confidentiality [.5]; review and revision of motion for class certification [2.5]		3	\$ 475.00	\$ 1,425.00	
10/6/2022	RT	Telephone meeting with co-counsel [.4]		0.4	\$ 475.00	\$ 190.00	
10/11/2022	RT	Call w/ co-counsel [.3]		0.3	\$ 475.00	\$ 142.50	
		Statement Professional: Ryan Tack-Hooper		197.2		\$ 93,670.00	
		Total		427.5		\$ 190,726.50	

Exhibit 2

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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR COUNTY OF KING

MONTY LONG and DONALD GARCIA, on behalf
of themselves and all others similarly situated,

Plaintiffs,

vs.

FIRST RESOLUTION INVESTMENT CORPORATION,
a Nevada corporation, and GORDON AYLWORTH
& TAMI, P.C., an Oregon professional
corporation,

Defendants.

NO. 19-2-11281-6 SEA

FINAL APPROVAL ORDER AND JUDGMENT

The Court, having considered Plaintiffs’ Motion for Final Approval of Class Action Settlement between Monty Long and Donald Garcia (“Plaintiffs”) and First Resolution Investment Corporation and Gordon Aylworth & Tami, P.C., (“Defendants”) in the above-captioned matter (the “Action”), the Class Action Settlement Agreement and Release entered into between Plaintiffs and Defendants (“Settlement”), Plaintiffs’ Motion for an Award of Attorneys’ Fees, Costs, and Class Representative Service Awards, and the lack of objections received regarding the proposed Settlement, the record in this the Action, the submissions and arguments presented by counsel, and, having held a Final Approval Hearing on August 28, 2020, finds that:

1 1. Unless defined herein, all capitalized terms in this Final Approval Order shall
2 have the same meanings as set forth in the Settlement.

3 2. The Court has jurisdiction over the subject matter of the Action and over the
4 settling parties, including the Settlement Class Members.

5 3. On March 24, 2020, the Court preliminarily approved the Settlement and
6 certified, for settlement purposes, the Class as defined in the Settlement.

7 4. Pursuant to the Court's Preliminary Approval Order, the Postcard Notice was
8 distributed to the Class by First Class mail. The Court hereby finds and concludes that the
9 Postcard Notice was disseminated to members of the settlement Class in accordance with the
10 terms set forth in the Settlement and in compliance with the Court's Preliminary Approval
11 Order. The Court further finds and concludes that the Postcard Notice, and the distribution
12 procedures set forth in the Settlement fully satisfy CR 23(c)(2) and the requirements of due
13 process, were the best notice practicable under the circumstances, provided individual notice
14 to all members of the Class who could be identified through reasonable effort, provided an
15 opportunity for the Class Members to object or exclude themselves from the Settlement, and
16 support the Court's exercise of jurisdiction over the Settlement Class Members as
17 contemplated in the Settlement and this Final Approval Order.

18 5. The Settlement Class Members were given an opportunity to object to the
19 Settlement. No Settlement Class Members objected to the Settlement or requested exclusion
20 from the Settlement.

21 6. The Settlement was arrived at as a result of arms' length negotiations conducted
22 in good faith by experienced attorneys familiar with the legal and factual issues of this case.

23 7. The Settlement is fair, reasonable, adequate, and in the best interests of the
24 Settlement Class in light of the complexity, expense, and duration of litigation, as well as the
25 risk involved in establishing liability and damages and in maintaining the class action through
26 trial and appeal.

27

1 8. The consideration provided by the Settlement constitutes fair value given in
2 exchange for the release of the Settlement Class Members' Released Claims against the
3 Released Parties. The Court finds that the consideration provided to the Settlement Class
4 Members is reasonable, considering the facts and circumstances of the claims and affirmative
5 defenses asserted in the action, and the potential risks and likelihood of success of pursuing
6 trial on the merits.

7 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

8 9. The Settlement is finally approved as fair, reasonable, adequate, just, and in
9 compliance with all applicable requirements of the applicable laws, and in the best interest of
10 the Settlement Class. The Settlement Agreement, which shall be deemed incorporated herein,
11 and all terms the Settlement are finally approved and shall be consummated in accordance with
12 the terms and provisions thereof, except as amended by any subsequent order issued by the
13 Court.

14 10. Defendants shall pay the Settlement Fund amount of \$600,000, provide debt
15 relief to all Settlement Class Members, file satisfactions of judgment in the lawsuits FRIC filed
16 against Settlement Class Members, and request deletion of any tradelines related to Settlement
17 Class Members, in accord with the schedule required under the Settlement Agreement.

18 11. Pursuant to CR 23(b)(3), the Action is hereby certified, for settlement purposes
19 only, as a class action on behalf of the following Settlement Class Members: all persons from
20 whom FRIC collected or attempted to collect, directly or indirectly, at any time since April 25,
21 2015, amounts owed (1) pursuant to a judgment FRIC obtained in a Washington state court
22 prior to February 24, 2014; or (2) pursuant to a judgment John P. Plovie obtained and sought to
23 collect on FRIC's behalf in a Washington state court after February 24, 2014.

24 12. Pursuant to CR 23, the Court appoints Plaintiffs Monty Long and Donald Garcia
25 as the Class Representatives and appoints Terrell Marshall Law Group PLLC and Leonard Law as
26 Class Counsel.

1 13. For settlement purposes only, the Court finds that the Action satisfies the
2 applicable prerequisites for class action treatment under CR 23(a) and (b)(3), namely:

- 3 • The Class is so numerous that joinder of all members is impracticable;
- 4 • There are questions of law and fact common to the Class Members;
- 5 • The claims of the Class Representatives are typical of the claims of the
6 Settlement Class Members;
- 7 • The Class Representatives and Class Counsel have fairly and adequately
8 represented and protected the interests of all the Settlement Class
9 Members;
- 10 • Common issues predominate over any individualized issues; and
- 11 • A class action is superior to thousands of individual actions.

12 14. The Plaintiffs, Settlement Class Members, and their successors and assigns have
13 released claims pursuant to the release contained in the Settlement. The Released Claims are
14 compromised, settled, released, discharged, and dismissed with prejudice by virtue of these
15 proceedings and this Final Approval Order.

16 15. To the extent permitted by law and without affecting the other provisions of this
17 Final Approval Order, this Final Approval Order is intended by the parties and the Court to be
18 *res judicata* and to prohibit and preclude any prior, concurrent, or subsequent litigation
19 brought individually, or in the name of, or otherwise on behalf of, Plaintiffs or any Settlement
20 Class Member with respect to the Settlement Class Member Released Claims based upon the
21 same alleged facts.

22 16. The Court hereby retains continuing and exclusive jurisdiction over the parties
23 and all matters relating to the Action or Settlement, including the administration,
24 interpretation, construction, effectuation, enforcement, and consummation of the Settlement,
25 including its injunctive provisions, and this Final Approval Order. This Final Approval Order
26 finally disposes of all claims and is appealable.

27

1 17. This Final Approval Order is not, and shall not be construed as, an admission by
2 Defendants of any liability or wrongdoing in this or in any other proceeding.

3 18. The Court approves Class Counsel's application for \$200,000 in attorneys' fees
4 and \$13,633 in costs. This amount reflected actual costs incurred and an attorneys' fee award
5 of one-third of the Settlement Fund.

6 19. The Settlement created a common fund for the benefit of Class Members.
7 Accordingly, the Court finds that the percentage of the fund method is the appropriate method
8 to use in determining the appropriate fee award in this case. *Bowles v. Wash. Dep't of Ret. Sys.*,
9 121 Wn.2d 52, 72, 847 P.2d 440 (1993).

10 20. Class Counsel obtained an excellent result for the Settlement Class. Class
11 Counsel's work lead to the creation of a \$600,000 common fund. In addition, the Settlement
12 provides \$20 million in debt relief to the Settlement Class Members.

13 21. An attorneys' fee award equal to one-third of a common fund is appropriate in
14 consumer protection class action cases. *Terrell v. Costco Wholesale Corp.*, No. 16-2-19140-1-
15 SEA (King Cnty. Sup. Ct. June 19, 2018); *Dougherty v. Barrett Business Services Inc.*, No. 17-2-
16 05619-1 (Clark Cnty. Sup. Ct. Nov. 8, 2019); *Strong v. Numerica Credit Union*, No. 17-2-01406-39
17 (Yakima Cnty. Sup. Ct. Feb. 14, 2020).

18 22. The Court has considered the factors set forth in Washington Rule of
19 Professional Conduct 1.5(a) in concluding that the requested fee is reasonable. Specifically:

- 20 a. The case raised novel and difficult questions of law, which demanded litigators
21 with the skill and experience of Class Counsel.
- 22 b. Class Counsel's work on this matter precluded work on other matters.
- 23 c. A one-third fee in contingency cases is customary in this county.
- 24 d. The excellent results obtained, and the amount of time involved support the
25 award.

26 23. The Court approves service awards to the Class Representatives in the amount of
27 \$5,000 each, to be paid from the Settlement Fund.

1 Presented by:

2 TERRELL MARSHALL LAW GROUP PLLC

3
4 By: /s/ Blythe H. Chandler, WSBA #43387

5 Beth E. Terrell, WSBA #26759

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18 LEONARD LAW

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22 Facsimile: (206) 458-6028

23
24 *Attorneys for Plaintiffs*

King County Superior Court
Judicial Electronic Signature Page

Case Number: 19-2-11281-6
Case Title: LONG ET ANO vs FIRST RESOLUTION INVESTMENT
CORPORATION ET AL
Document Title: ORDER RE APPROVING FEES AND FINAL SETTLEMENT
Signed by: Ken Schubert
Date: 8/28/2020 4:27:47 PM



Judge/Commissioner: Ken Schubert

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 20DA9CAD30E9A356B2B090778A254A4188865BEC
Certificate effective date: 11/13/2018 11:21:11 AM
Certificate expiry date: 11/13/2023 11:21:11 AM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Ken Schubert:
EPj/VAvS5hGqrSf3AFk6yQ=="

Exhibit 3

FILED
HARVEY M. SLAGLE, CLERK

7 Pages

20 FEB 14 10:08

SUPERIOR COURT
YAKIMA CO. W.

SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF YAKIMA

THEODORE STRONG,

Plaintiff,

v.

NUMERICA CREDIT UNION,

Defendant.

NO. 17-2-01406-39

~~AMENDED [PROPOSED]~~ ORDER
GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND AWARD OF
ATTORNEYS' FEES, COSTS AND
SERVICE AWARD

The Court, having considered Plaintiff's Motion for Final Approval of Class Action Settlement and Award of Attorneys' Fees, Costs and Service Award in the above-captioned matter (the "Action"), the Settlement Agreement and Release entered into between Plaintiff Theodore Strong ("Plaintiff") and Numerica Credit Union ("Defendant"), the lack of objections to and requests for exclusion from the proposed Settlement, the record in this the Action, the submissions and arguments presented by counsel, and having held a Final Approval Hearing on February 14, 2020, finds that:

1. All capitalized terms in this Final Approval Order shall have the same meanings as set forth in the Settlement Agreement.
2. The Court has jurisdiction over the subject matter of the Action and over the settling parties, including the members of the Settlement Class.

AMENDED [PROPOSED] ORDER GRANTING
PLAINTIFF'S UNOPPOSED MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT AND
AWARD OF ATTORNEYS' FEES, COSTS AND SERVICE
AWARD - 1
CASE NO. 17-2-01406-39

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
www.terrellmarshall.com

1 3. On October 8, 2019, the Court preliminarily approved the Settlement and
2 certified, for settlement purposes, the Class as defined in the Settlement Agreement.

3 4. Pursuant to the Court's Preliminary Approval Order, notice of the Settlement
4 was distributed to the Class by certified mail, US Mail, and email. The Court hereby finds and
5 concludes that the notice was disseminated to members of the Class in accordance with the
6 terms set forth in the Settlement and in compliance with the Court's Preliminary Approval
7 Order. The Court further finds and concludes that the notice, and the distribution procedures set
8 forth in the Settlement fully satisfy CR 23(c)(2) and (e) and the requirements of due process,
9 were the best notice practicable under the circumstances, provided individual notice to all
10 members of the Class who could be identified through reasonable effort, provided an
11 opportunity for the Class Members to object or exclude themselves from the Settlement, and
12 support the Court's exercise of jurisdiction over the Settlement Class as contemplated in the
13 Settlement Agreement and this Final Approval Order.

14 5. The Class Members were given an opportunity to object to the Settlement. No
15 Class Members objected to the Settlement and no Class Members requested exclusion from the
16 Settlement.

17 6. The Settlement was arrived at as a result of arms' length negotiations conducted
18 in good faith by experienced attorneys familiar with the legal and factual issues of this case.

19 7. The Settlement is fair, reasonable, adequate, and in the best interests of the
20 Settlement Class in light of the complexity, expense, and duration of litigation, as well as the
21 risk involved in establishing liability and damages and in maintaining the class action through
22 trial and appeal.

23 8. The consideration provided by the Settlement constitutes fair value given in
24 exchange for the release of the Released Claims against the Released Parties by Settlement
25 Class Members. The Court finds that the consideration provided to members of the Settlement
26 Class is reasonable, considering that facts and circumstances of the claims and affirmative

1 defenses asserted in the action, and the potential risks and likelihood of success of alternatively
2 pursuing trial on the merits.

3 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

4 9. The Settlement is finally approved as fair, reasonable, adequate, just, and in
5 compliance with all applicable requirements of the applicable laws, and in the best interest of
6 the Settlement Class. The Settlement Agreement, which shall be deemed incorporated herein,
7 and all terms of the Settlement are finally approved and shall be consummated in accordance
8 with the terms and provisions thereof, except as amended by any subsequent order issued by
9 the Court.

10 10. Pursuant to CR 23(c)(3), the Action is hereby certified, for settlement purposes
11 only, as a class action on behalf of the following Settlement Class Members: All persons who:

- 12 (a) resided in Washington state when they purchased or otherwise financed a vehicle
13 primarily for personal, family, or household use;
14 (b) whose contract was assigned to Defendant or financing was provided by Defendant;
15 and
16 (c) to whom Defendant issued or failed to issue a Notice of Intent to Sell, pursuant to
17 RCW 62A.9A-614 during the period April 14, 2015 through May 17, 2017 and/or to
18 whom Defendant issued or failed to issue a Notice of Deficiency, pursuant to RCW
19 62A.9A- 616, during the period April 14, 2015 through July 31, 2018.

20 Excluded from the class are all persons who (a) filed for bankruptcy protection as to their
21 Numerica auto loan and whose bankruptcy case was not dismissed or otherwise closed as of the
22 date of this Settlement Agreement; or (b) against whom Defendant's assignee obtained a
23 judgment to collect on their Deficiency Balance before May 20, 2019, which judgments are
24 held by unrelated third party debt collectors.

25 11. The Plaintiff and each Settlement Class Member, their respective heirs,
26 executors, administrators, representatives, agents, attorneys, partners, affiliates, successors,
27 predecessors-in-interest, and assigns are deemed to have released, waive, acquitted, and
discharged forever each of the Released Parties from each of the Released Claims, as defined in
the Settlement Agreement. The Released Claims are compromised, settled, released,

1 discharged, and dismissed with prejudice by virtue of these proceedings and this Final
2 Approval Order, provided, however, that the Released Claims shall not be construed to limit
3 the right of Defendant or any member of the Settlement Class to enforce the terms of the
4 Settlement.

5 12. This Final Approval Order is binding on all Settlement Class Members.

6 13. To the extent permitted by law and without affecting the other provisions of this
7 Final Approval Order, this Final Approval Order is intended by the parties and the Court to be
8 *res judicata* and to prohibit and preclude any prior, concurrent, or subsequent litigation brought
9 individually, or in the name of, and/or otherwise on behalf of, Plaintiff or any Settlement Class
10 Member with respect to the Released Claims based upon the same alleged facts.

11 14. The Court retains continuing and exclusive jurisdiction over the parties and all
12 matters relating to the Action and Settlement, including the administration, interpretation,
13 construction, effectuation, enforcement, and consummation of the Settlement, including its
14 injunctive provisions, and this Final Approval Order..

15 15. This Final Approval Order is not, and shall not be construed as, an admission by
16 Defendant of any liability or wrongdoing in this or in any other proceeding.

17 16. The Court approves Class Counsel's application for \$348,540.51 in attorneys'
18 fees and \$18,126.16 in costs, which, together, represents one-third of the Settlement Fund.

19 17. The Settlement created a common fund for the benefit of Settlement Class
20 Members. Accordingly, the Court finds that the percentage of the fund method is the
21 appropriate method to use in determining the appropriate fee award in this case. *Bowles v.*
22 *Wash. Dep't of Ret. Sys.*, 121 Wn.2d 52, 72, 847 P.2d 440 (1993).

23 18. Class Counsel obtained an excellent result for the Settlement Class. Class
24 Counsel's work lead to the creation of a \$1.1 million common fund from which Settlement
25 Class Members whose statutory damages under the UCC are greater than their remaining
26 Deficiency Balance will receive cash payments. The Settlement benefits also include

1 Numerica’s agreement to request permanent deletion of the “tradeline” for Settlement Class
2 Members’ Numerica auto loans their credit reports and Numerica’s dismissal all pending legal
3 actions to collect those Deficiency Balances. Numerica also agrees to permanently cease
4 collection of all remaining Deficiency Balances of the Settlement Class Members whose
5 statutory damages are less than their Deficiency Balance or who do not have statutory
6 damages—which amounts to approximately \$8,330,822.93 in debt waiver. However, if a
7 Settlement Class Member brings any claim against Numerica that is not subject to the Release,
8 Numerica may assert that the Settlement Class Member’s Deficiency Balance is an offset to
9 that claim.

10 19. An attorneys’ fee and cost award equal to one-third of a common fund is
11 appropriate in this case and is in line with cases litigated under the UCC and attorneys’ fees and
12 costs awarded by Washington courts. *See* Final Judgment Approving Settlement and Certifying
13 Settlement Class at 6, *Gales v. Capital One*, Case No. 8:13-cv-01624-WGC (D. Md. August 5,
14 2015), ECF No. 78 (approving fee award of one-third in UCC class action); Final Judgment,
15 *Smith v. Toyota Motor Credit Corporation*, Case No. 12-02029-WDQ (D. Md. Oct. 2, 2014),
16 ECF No. 53 (approving fee award of 49% in UCC class action); *see also A.M. v. Moda Health*
17 *Plan, Inc.*, C 14-1191 TSZ, 2015 WL 9839771, at *3 (W.D. Wash. Nov. 3, 2015) (awarding fee
18 of 35% of settlement fund); Order Approving Award of Attorneys’ Fees and Costs, *Terrell v.*
19 *Costco Wholesale Corp.*, No. 16-2-10140-1 SEA, (King Cty. Sup. Ct. June 19, 2018) (awarding
20 one-third of fund in class action under the Fair Credit Reporting Act).

21 20. The Court approves a service award to the Named Plaintiff in the amount of
22 \$10,000, to be paid from the Settlement Fund. This amount is reasonable in light of Plaintiff’s
23 efforts in this case, which included assisting his counsel with the investigation of his claims,
24 responding to written discovery, being deposed, and assisting with settlement negotiations.

25 21. The Court further approves and authorizes the deduction of an amount not to
26 exceed \$29,500 from the Settlement Fund to cover the Class Administrator’s costs.

1 22. The attorneys' fees and costs, service award, and settlement administration costs
2 are to be deducted from the Settlement Fund as set forth in the Settlement Agreement. Except
3 as expressly set forth to the contrary in this Final Approval Order, Plaintiff and Class Counsel
4 shall take nothing by their claims and each party shall bear his or its own fees, costs, and
5 expenses in connection with this Action. Except for the award to Class Counsel specified
6 above, no fees or funds shall be paid to any other counsel representing any Settlement Class
7 Members.

8 23. The Court dismisses the Action against Defendant, including all claims against
9 Defendant, with prejudice, without costs to any party, except as expressly provided for in the
10 Settlement.

11 24. Finding that there is no just reason for delay, the Court orders that this Final
12 Approval Order shall constitute a final judgment pursuant to CR 58 that is binding on the
13 settling parties and the Settlement Class.

14 IT IS HEREBY ORDERED.

15 DATED this 14 day of FEB, 2020.

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19 _____
SUPERIOR COURT JUDGE

20 Blaine G. Gibson

21 Judge

1 Presented by:

2 TERRELL MARSHALL LAW GROUP PLLC

3
4 

5 By: _____

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21 *Attorneys for Plaintiff*

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27 AMENDED [PROPOSED] ORDER GRANTING
PLAINTIFF'S UNOPPOSED MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT AND
AWARD OF ATTORNEYS' FEES, COSTS AND SERVICE
AWARD - 7
CASE No. 17-2-01406-39

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Exhibit 4

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THE HONORABLE DAVID E. GREGERSON
Department 2

FILED
NOV 08 2019

SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF CLARK

Scott G. Weber, Clerk, Clark Co

11:26

AMANDA DOUGHERTY, individually and as
a representative of the class,

Plaintiff,

v.

BARRETT BUSINESS SERVICES, INC.,

Defendant.

NO. 17-2-05619-1

FINAL APPROVAL
ORDER AND ENTRY OF
JUDGMENT

The Court, having considered Plaintiff's Motion for Final Approval of Class Action Settlement between Plaintiff Amanda Dougherty ("Plaintiff") and Barrett Business Services, Inc. ("Defendant") in the above-captioned matter (the "Action"), the Class Action Settlement Agreement and Release entered into between Plaintiff and Defendant ("Settlement"), Plaintiff's Motion for an Award of Attorneys' Fees, Costs, and Class Representative Service Award, and the lack of objections received regarding the proposed Settlement, the record in this the Action, the submissions and arguments presented by counsel, and, having held a Final Approval Hearing on November 8, 2019, finds that:

1. Unless defined herein, for purposes of this Final Approval Order, all capitalized terms in this Final Approval Order shall have the same meanings as set forth in the Settlement.
2. The Court has jurisdiction over the subject matter of the Action and over the settling parties, including the members of the Settlement Class.

1 3. On June 28, 2018, the Court preliminarily approved the Settlement and certified,
2 for settlement purposes, the Settlement Class as defined in the Settlement.

3 4. Pursuant to the Court's Preliminary Approval Order, the Notice was distributed
4 to the Class by email and US Mail. The Court hereby finds and concludes that the Notice was
5 disseminated to members of the Settlement Class in accordance with the terms set forth in the
6 Settlement and in compliance with the Court's Preliminary Approval Order. The Court further
7 finds and concludes that the Notice, and the distribution procedures set forth in the Settlement
8 fully satisfy CR 23(c)(2) and the requirements of due process, were the best notice practicable
9 under the circumstances, provided individual notice to all members of the Settlement Class who
10 could be identified through reasonable effort, provided an opportunity for the Settlement Class
11 Members to object or exclude themselves from the Settlement, and support the Court's exercise
12 of jurisdiction over the Settlement Class as contemplated in the Settlement and this Final
13 Approval Order.

14 5. The Settlement Class Members were given an opportunity to object to the
15 Settlement. No Settlement Class Members objected to the Settlement. The Settlement Class
16 Members who made valid and timely requests for exclusion are excluded from the Settlement
17 and are not bound by this Final Approval Order. Three Settlement Class Members requested
18 exclusion. The identities of such persons are set forth in the Declaration of Jennifer M. Keogh
19 that was filed in support of Plaintiffs' Motion for Final Approval.

20 6. The Settlement was arrived at as a result of arms' length negotiations conducted
21 in good faith by experienced attorneys familiar with the legal and factual issues of this case.

22 7. The Settlement is fair, reasonable, adequate, and in the best interests of the
23 Settlement Class in light of the complexity, expense, and duration of litigation, as well as the
24 risk involved in establishing liability and damages and in maintaining the class action through
25 trial and appeal.
26

1 8. The consideration provided by the Settlement constitutes fair value given in
2 exchange for the release of the Settlement Class Member Released Claims against the Released
3 Parties. The Court finds that the consideration provided to members of the Settlement Class is
4 reasonable, considering that facts and circumstances of the claims and affirmative defenses
5 asserted in the action, and the potential risks and likelihood of success of alternatively pursuing
6 trial on the merits.

7 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

8 9. The Settlement is finally approved as fair, reasonable, adequate, just, and in
9 compliance with all applicable requirements of the applicable laws, and in the best interest of
10 the Settlement Class. The Settlement Agreement, which shall be deemed incorporated herein,
11 and all terms the Settlement are finally approved and shall be consummated in accordance with
12 the terms and provisions thereof, except as amended by any subsequent order issued by the
13 Court.

14 10. Pursuant to CR 23(c)(3), the Action is hereby certified, for settlement purposes
15 only, as a class action on behalf of the following Settlement Class Members: all individuals on
16 whom Defendant obtained a consumer report for employment purposes containing a liability
17 release or an overbroad authorization from August 26, 2013 to June 28, 2019.

18 11. Pursuant to CR 23, the Court certifies Plaintiff Amanda Dougherty as the Class
19 Representative and appoints Terrell Marshall Law Group, PLLC and Berger Montague PC as
20 Class Counsel.

21 12. For settlement purposes only, the Court finds that the Action satisfies the
22 applicable prerequisites for class action treatment under CR 23(a) and (b)(3), namely:

- 23 • The Settlement Class is so numerous that joinder of all members is
- 24 impracticable;
- 25 • There are questions of law and fact common to the Settlement Class
- 26 Members;

- 1 • The claims of the Class Representative are typical of the claims of the
- 2 Settlement Class Members;
- 3 • The Class Representative and Class Counsel have fairly and adequately
- 4 represented and protected the interests of all of the Settlement Class
- 5 Members;
- 6 • Common issues predominate over any individualized issues; and
- 7 • A class action is superior to thousands of individual actions.

8 13. The Plaintiff, Settlement Class Members, and their successors and assigns are
9 permanently barred and enjoined from instituting or prosecuting, either individually or as a
10 class, or in any other capacity, any of the Settlement Class Member Released Claims against
11 any of the Released Parties, as set forth in the Settlement. Pursuant to the release contained in
12 the Settlement, the Released Claims are compromised, settled, released, discharged, and
13 dismissed with prejudice by virtue of these proceedings and this Final Approval Order,
14 provided, however, that the Settlement Class Member Released Claims shall not be construed
15 to limit the right of Defendant or any member of the Settlement Class to enforce the terms of
16 the Settlement.

17 14. This Final Approval Order is binding on all Settlement Class Members, except
18 those individuals who validly and timely excluded themselves from the Settlement. The identities
19 of such persons are set forth in the Supplemental Declaration of Jennifer M. Keogh that was filed
20 in support of Plaintiffs' Motion for Final Approval.

21 15. To the extent permitted by law and without affecting the other provisions of this
22 Final Approval Order, this Final Approval Order is intended by the parties and the Court to be
23 *res judicata* and to prohibit and preclude any prior, concurrent, or subsequent litigation brought
24 individually, or in the name of, and/or otherwise on behalf of, Plaintiff or any Settlement Class
25 Member with respect to the Settlement Class Member Released Claims based upon the same
26 alleged facts.

1 16. The Court hereby retains continuing and exclusive jurisdiction over the parties
2 and all matters relating to the Action and/or Settlement, including the administration,
3 interpretation, construction, effectuation, enforcement, and consummation of the Settlement,
4 including its injunctive provisions, and this Final Approval Order. This Final Approval Order
5 finally disposes of all claims and is appealable.

6 17. This Final Approval Order is not, and shall not be construed as, an admission by
7 Defendant of any liability or wrongdoing in this or in any other proceeding.

8 18. The Court approves Class Counsel's application for \$528,752.51 in attorneys'
9 fees and costs. This amount reflected actual costs incurred and an attorneys' fee award of one-
10 third of the Settlement Fund.

11 19. The Settlement created a common fund for the benefit of class members.
12 Accordingly, the Court finds that the percentage of the fund method is the appropriate method
13 to use in determining the appropriate fee award in this case. *Bowles v. Wash. Dep't of Ret. Sys.*,
14 121 Wn.2d 52, 72, 847 P.2d 440 (1993).

15 20. Class Counsel obtained an excellent result for the Settlement Class. Class
16 Counsel's work lead to the creation of a \$1.5 million common fund. More than 10% of the
17 Class submitted claims, and each class member who submitted a claim will be paid an
18 estimated \$129. These results exceed those achieved in similar cases.

19 21. An attorneys' fee award equal to one-third of a common fund is appropriate in
20 cases litigated under the Fair Credit Reporting Act. *King v. Gen. Info. Serv., Inc.*, No. 10-cv-
21 6850, ECF No. 126 (E.D. Penn. Nov. 4, 2014) (awarding counsel one-third of fund in FCRA
22 class action); *Ford v. CEC Entm't Inc.*, No. 14CV677 JLS (JLB), 2015 WL 11439033, at *1
23 (S.D. Cal. Dec. 14, 2015) (awarding fee of one-third in FCRA class action); *Razilov v.*
24 *Nationwide Mut. Ins. Co.*, No. 01-CV-1466-BR, 2006 WL 3312024, at *1 (D. Or. Nov. 13,
25 2006).

1 22. The Court has considered the factors set forth in Washington Rule of
2 Professional Conduct 1.5(a) in concluding that the requested fee is reasonable. Specifically:

- 3 a. The case raised novel and difficult questions of law, which demanded litigators
- 4 with the skill and experience of Class Counsel.
- 5 b. Class Counsel's work on this matter precluded work on other matters.
- 6 c. A one-third fee in contingency cases is customary in this county.
- 7 d. The excellent results obtained and the amount of time involved support the
- 8 award.

9 23. The Court approves a service award to the Named Plaintiff in the amount of
10 \$3,500, to be paid from the Settlement Fund.

11 24. The Court further approves and authorizes the deduction of an amount not to
12 exceed \$82,040.94 from the Settlement Fund to cover the Settlement Administrator's costs.

13 25. The attorneys' fees and costs, service award, and settlement administration costs
14 are to be deducted from the Settlement Fund as set forth in the Settlement. Save and except as
15 expressly set forth to the contrary in this Final Approval Order, Plaintiff and Class Counsel
16 shall take nothing by their claims and each party shall bear his or its own fees, costs, and
17 expenses in connection with this Action. Except for the award to Class Counsel specified
18 above, no fees or funds shall be paid to any other counsel representing any Settlement Class
19 Members.

20 26. The Court hereby dismisses the Action against Defendant, including all claims
21 against said Defendant, with prejudice, without costs to any party, except as expressly provided
22 for in the Settlement.

23 27. Finding that there is no just reason for delay, the Court orders that this Final
24 Approval Order shall constitute a final judgment pursuant to CR 58 that is binding on the
25 settling parties and the Settlement Class.

1 **IT IS HEREBY ORDERED.**

2 DATED this 7 day of Nov., 2019.

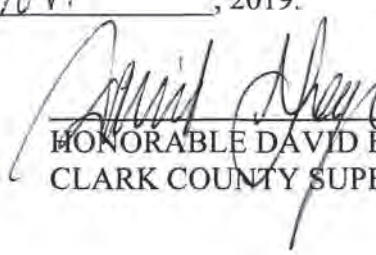
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6 HONORABLE DAVID E. GREGERSON
7 CLARK COUNTY SUPERIOR COURT JUDGE
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Exhibit 5

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JULIUS TERRELL, as an individual and as a
representative of the class,

Plaintiff,

v.

COSTCO WHOLESALE CORP.,

Defendant.

NO. 16-2-19140-1 SEA

~~[PROPOSED]~~ ORDER APPROVING
AWARD OF ATTORNEYS' FEES AND
COSTS

THIS MATTER came before the Court on June 15, 2018, on Plaintiff's Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees, Costs, and Class Representative Service Award. On June 15, 2018, the Court entered an order granting final approval of the Class Settlement, approving payment of the requested attorney's fees, costs and costs of settlement administration, and awarding a class representative service award. The Court makes the following additional findings regarding its award of attorneys' fees, costs and service award.

The Court heard oral argument on June 15, 2018, and has considered the following submissions:

- 1 1. Plaintiff's Motion for Attorneys' Fees, Costs, and Class Representative Service
- 2 Award;
- 3 2. The Declaration of E. Michelle Drake in support of Plaintiff's Motion for
- 4 Attorneys' Fees, Costs, and Class Representative Service Award;
- 5 3. The Declaration of Jennifer M. Keough Regarding Notice Administration and
- 6 Administration Costs; and
- 7 4. Plaintiff's Motion for Final Approval of Class Action Settlement and supporting
- 8 documentation.

9 Based on the foregoing, the Court makes the following FINDINGS AND
10 CONCLUSIONS:

- 11 1. Class Counsel is highly qualified. Berger & Montague, P.C. and Terrell
- 12 Marshall Law Group, are class action litigators with nationally known reputations, and
- 13 extensive experience litigating Fair Credit Reporting Act cases.
- 14 2. Throughout the litigation, Class Counsel provided high quality representation in
- 15 a case that turned out to be quite complex.
- 16 3. Class Counsel obtained an excellent result for the Settlement Class. Class
- 17 Counsel's work lead to the creation of a \$2.49 million common fund. Nearly 20% of the Class
- 18 submitted claims, and each class member who submitted a claim will be paid an estimated \$63.
- 19 These results exceed those achieved in similar cases.
- 20 4. The Settlement created a common fund for the benefit of class members.
- 21 Accordingly, the Court finds that the percentage of the fund method is the appropriate method
- 22 to use in determining the appropriate fee award in this case. *Bowles v. Wash. Dep't of Ret. Sys.*,
- 23 121 Wn.2d 52, 72, 847 P.2d 440 (1993).
- 24 5. An attorneys' fee award equal to one-third of a common fund is appropriate in
- 25 cases litigated under the Fair Credit Reporting Act. *King v. Gen. Info. Serv., Inc.*, No. 10-cv-
- 26 6850, ECF No. 126 (E.D. Penn. Nov. 4, 2014) (awarding counsel one-third of fund in FCRA

1 class action); *Ford v. CEC Entm't Inc.*, No. 14CV677 JLS (JLB), 2015 WL 11439033, at *1
2 (S.D. Cal. Dec. 14, 2015) (awarding fee of one-third in FCRA class action); *Razilov v.*
3 *Nationwide Mut. Ins. Co.*, No. 01-CV-1466-BR, 2006 WL 3312024, at *1 (D. Or. Nov. 13,
4 2006).

5 6. The Court has considered the factors set forth in Washington Rule of
6 Professional Conduct 1.5(a) in concluding that the requested fee is reasonable. Specifically:

- 7 a. The case raised novel and difficult questions of law, which demanded
8 litigators with the skill and experience of Class Counsel.
9 b. Class Counsel's work on this matter precluded work on other matters.
10 c. A one-third fee in contingency cases is customary in this county.
11 d. The excellent results obtained and the amount of time involved support
12 the award.

13 7. While the Court concludes that the percentage-of-the-fund method is appropriate
14 here, the Court concludes that the lodestar method confirms that the requested fee is reasonable.
15 Class Counsel devoted over 513 hours to the investigation, development, litigation and
16 resolution of this case, incurring over \$222,400.30 in lodestar. The Court has reviewed Class
17 Counsel's contemporaneous billing records documenting the hours worked and finds the hours
18 expended reasonable.

19 8. Class Counsel calculated their lodestar using reasonable hourly rates.

- 20 a. The following hourly rates billed by Berger and Montague are
21 reasonable given the experience and skill of counsel:

22

Timekeeper	Experience	Rate
E. Michelle Drake	Partner with 17 years of experience	\$700
Joseph Hashmall	Associate with 7 years of experience	\$515
John Albanese	Associate with 6 years of experience	\$430
Jean Hibray, Jean Ebersperger and Mai Xiong	Paralegals	\$230-\$280

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1 b. The following hourly rates billed by Terrell Marshall Law Group are
2 reasonable given the experience and skill of counsel:

Timekeeper	Experience	Rate
Beth E. Terrell	Partner with 23 years of experience.	\$500
Amanda M. Steiner	Partner with 21 years of experience.	\$495
Jennifer R. Murray	Partner with 13 years of experience.	\$450
Maria C. Hoisington	Associate with 2 years of experience.	\$225
Bradford Kinsey, Holly Rota, Hannelore Ohaus, Samuel Levy	Paralegals and legal assistants.	\$75-\$100

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10 9. Similar rates have been approved numerous times in class action cases brought
11 in both the Western District of Washington and King County Superior Court. See, *e.g.*, *Carideo*
12 *v. Dell, Inc.*, No. 06-cv-01772, ECF No. 162 (W.D. Wash. Dec. 17, 2010) (Judge Robart
13 approving as reasonable a fee petition which included rates ranging from \$175 to \$600);
14 *Barnett v. Wal-Mart Stores, Inc.*, No. 01-2-24553-8 (King Co., July 20, 2009) (Judge Spector
15 approving fee request based on rates ranging from \$100 to \$760); *Splater v. Thermal Ease*
16 *Hydronic Systems, Inc.*, No. 03-2-33553-3 (King Co., July 31, 2009) (Judge Washington
17 approving fee request based on rates ranging from \$100 to \$760); *Hartman v. Comcast*
18 *Business Communications, LLC*, No. 10-0413, ECF No. 106 (W.D. Wash Dec. 8, 2011) (Judge
19 Lasnik approving Plaintiff's counsel's fee request based on rates ranging from \$180 to \$650).
20 Class Counsel are experienced, highly regarded members of the bar with extensive expertise in
21 the area of class actions and complex litigation involving Fair Credit Reporting Act claims like
22 those at issue here. Their requested hourly rates are reasonable in light of their qualifications
23 and experience.

24 10. Class Counsel's requested fee of \$830,000 represents a 3.73 multiplier on their
25 total lodestar to date. This requested multiplier is reasonable considering that counsel is seeking
26 one-third of the common fund created through the Settlement. See *Bowles*, 121 Wn.2d at 72-73
(approving multiplier of three where plaintiff's fee request was found reasonable using

1 percentage-of-the-fund method); see *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1051, n. 6
2 (9th Cir. 2002) (finding that in approximately 83% of cases surveyed by the court, the
3 multiplier was between 1.0 and 4.0 and affirming a multiplier of 3.65); *McIntosh v. McAfee,*
4 *Inc.*, No. 06-cv-7694, 2009 WL 673976, at *2 (N.D. Cal. 2009) (recognizing a range from “2 to
5 4 or even higher”); *Van Vranken v. Atlantic Richfield Co.*, 901 F. Supp. 294, 298 (N.D. Cal.
6 1995) (“[m]ultipliers in the 3-4 range are common”).

7 11. Class Counsel assumed significant risk in this case, a factor which further
8 justifies the requested multiplier. Class Counsel took this case on a contingency basis and have
9 devoted nearly two years to prosecuting it with no guarantee they would ever be paid for their
10 efforts. A review of the motions pending before this Court prior to settlement more illustrates
11 the risk Counsel took in taking on this case. Both the delay in payment and the risk involved in
12 this kind of case justify the multiplier requested here.

13 12. Class Counsel’s requested costs are also reasonable. Counsel submitted detailed
14 and itemized cost records to the Court, which the Court has reviewed, and approved.

15 13. The Settlement Administrator’s fee request is also reasonable. The
16 Administrator submitted a declaration describing the services performed in providing notice to
17 Class Members, processing claims, and answering Class Member inquires, among other tasks.
18 The fee charged for these services was reasonable, and is approved.

19 14. The Class Representative’s requested service payment is also reasonable.
20 Plaintiff assisted in the investigation, litigation and settlement of this case, and a \$3500 service
21 payment for his assistance to the Class is reasonable and appropriate.

22 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

23 The following payments in connection with the Settlement may be deducted from the
24 settlement fund in accordance with the Court’s Final Approval Order and the Settlement
25 Agreement:

1 (1) attorneys' fees to Class Counsel in the amount of \$830,000, which is one-third
2 of the settlement fund;

3 (2) reimbursement of Class Counsel's out-of-pocket costs in the amount of
4 \$17,780.12;

5 (3) reimbursement of the Settlement Administrator's expenses in an amount not to
6 exceed \$179,822 to JND Administration; and

7 (4) a Class Representative Service Award of \$3,500 to Plaintiff Julius Terrell.

8 IT IS HEREBY ORDERED.

9 DATED this 19th day of June, 2018.



11
12 HONORABLE MARY E. ROBERTS
13 KING COUNTY SUPERIOR COURT JUDGE

14 *Presented by:*

15 TERRELL MARSHALL LAW GROUP PLLC

16 By: /s/ Beth E. Terrell, WSBA #26759

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