

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

JENIFER K. DEMARRE & RYAN A. DEMARRE,

Plaintiffs,

vs.

MUTUAL OF ENUMCLAW INSURANCE  
COMPANY,

Defendant.

NO. 21-2-10304-5 SEA

**DECLARATION OF BLYTHE H. CHANDLER  
IN SUPPORT OF PLAINTIFFS'  
UNOPPOSED MOTION FOR CLASS  
CERTIFICATION**

I, Blythe Chandler, declare as follows:

**A. Background and experience**

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

2. Terrell Marshall is a law firm in Seattle, Washington, that focuses on complex civil and commercial litigation with an emphasis on consumer protection, product defect, civil rights, and wage and hour cases. Terrell Marshall has been appointed lead or co-lead counsel

1 representing multi-state and nationwide classes in state and federal court in Washington and  
2 throughout the United States. Since its founding in 2008, the attorneys at Terrell Marshall have  
3 represented scores of classes, tried class actions in state and federal court, and obtained  
4 hundreds of millions of dollars in monetary relief to workers, consumers, and other individuals.

5 3. I joined Terrell Marshall in 2014 and became a member in 2018. My practice is  
6 complex litigation with a focus on prosecution of consumer class actions. I have been appointed  
7 class counsel in cases challenging a wide range of unfair or deceptive practices, including debt  
8 collection practices. In 2010, I received my J.D. from the University of Washington School of  
9 Law with high honors, Order of the Coif. I served as Chief Articles Editor for the Washington Law  
10 Review. Before joining Terrell Marshall, I served as a law clerk to the Honorable Betty B.  
11 Fletcher, Senior United States Circuit Judge for the Ninth Circuit Court of Appeals, and to the  
12 Honorable John C. Coughenour, Senior United States District Judge for the Western District of  
13 Washington. I also served as a judicial extern to the Honorable Robert S. Lasnik, United States  
14 District Judge for the Western District of Washington. I co-authored chapters of the Consumer  
15 Protection Deskbook published by the Washington State Association for Justice (WSAJ) and  
16 have spoken on topics including use of experts and personal jurisdiction in class actions. I am a  
17 member of the Washington Employment Lawyers Association (WELA) Amicus Committee and  
18 currently co-chair WSJA's Consumer Protection Section. I was named to the 2020 Rising Star List  
19 by Washington Super Lawyers.

20 **B. Qualifications of other Terrell Marshall attorneys**

21 4. Beth E. Terrell is a founding member of Terrell Marshall. With over twenty years  
22 of experience, Ms. Terrell concentrates her practice in complex litigation, including the  
23 prosecution of consumer protection, defective product, and wage and hour class actions. Ms.  
24 Terrell has served as co-lead counsel on multi-state, multi-district, and nationwide class actions,  
25 resulting in hundreds of millions of dollars in settlements for consumers and workers. Ms.  
26 Terrell also represents individual employees with wage and hour, workplace exposure, and  
27 discrimination claims. Ms. Terrell has tried and won cases in state and federal courts and

1 argued before the Washington State Court of Appeals and the Washington State Supreme Court  
2 as well as several federal circuit level courts. Ms. Terrell served as the President of the Public  
3 Justice Foundation Board of Directors from July 2019 to July 2020, serves on the Equal Justice  
4 Works' Board of Counselors, and is Chair of both the Northwest Consumer Law Center and the  
5 Washington Employment Lawyers Association. A member of the State Bar of California and the  
6 Washington State Bar Association, Ms. Terrell Co-Chairs PLI's Consumer Financial Services  
7 Institute, and frequently presents on a wide variety of topics, including class actions, consumer  
8 protection, legal ethics, gender equity, and electronic discovery.

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

19 **C. Other cases litigated by Terrell Marshall.**

20         6. Examples of consumer protection class actions that Terrell Marshall is litigating  
21 or has litigated to successful completion include:

- 22         a. *Gold, et al. v. Lumber Liquidators, Inc.*—Filed in 2014 on behalf  
23 of a class of consumers who purchased defective flooring. The  
24 Northern District of California granted final approval of the  
25 settlement, valued at up to \$30 million, on October 22, 2020.
- 26         b. *Van Fleet v. Trion Worlds, Inc.*—Filed in 2015 on behalf of a  
27 nationwide class of online video game players deprived of a  
promised discount on purchases of virtual goods and who  
participated in an alleged illegal lottery. The San Mateo County

1 Superior Court granted final approval of a \$420,000 settlement  
2 on June 1, 2020.

- 3 c. *Wornicki v. BrokerPriceOpinion.com*—Filed in 2013 on behalf of  
4 a nationwide class of people who provided home valuations,  
5 known as broker price opinions, but who were not paid for the  
6 opinions as promised. The District of Colorado granted final  
7 approval of a settlement of more than \$1.5 million on  
8 September 20, 2018.
- 9 d. *Jordan v. Nationstar Mortgage, LLC*—Filed in 2012 on behalf of  
10 Washington homeowners who were improperly locked out of  
11 their homes by their mortgage lender. The Eastern District of  
12 Washington granted final approval of a \$17 million settlement  
13 on May 2, 2019.
- 14 e. *Carrillo v. Wells Fargo Bank, N.A.*—Filed in 2018 on behalf of  
15 borrowers who allege Wells Fargo charged them interest rates  
16 on residential loans that were higher than the rates disclosed in  
17 the bank’s buydown agreements and closing disclosures. The  
18 case is currently pending in the Eastern District of New York.

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

- 21 a. *Long v. First Resolution Investment Corp.*—Filed in 2018 on  
22 behalf of Washington consumers against whom a debt buyer  
23 and its collection agency law firm obtained judgments when the  
24 debt buyer was not licensed as a collection agency. The King  
25 County Superior Court granted final approval of a settlement  
26 providing over \$20 million in debt relief and \$600,000 on  
27 August 28, 2020.
- 28 b. *Miller v. P.S.C., Inc.*—Filed in 2017 on behalf of Washington  
29 consumers who alleged P.S.C. filed lawsuits against them using  
30 unlawful debt collection forms. The Western District of  
31 Washington granted final approval of a settlement that  
32 provided injunctive relief and \$1.52 million on January 10, 2020.
- 33 c. *Bowen v. CSO Financial, Inc., et al.*—Filed in 2017 on behalf of  
34 consumers in Washington who received unfair and deceptive  
35 debt collection notices that included threats of criminal  
36 prosecution. The Western District of Washington granted final  
37 approval of a settlement that provided injunctive relief and  
38 \$345,000 on July 2018.

- 1 d. *Dibb, et al. v. AllianceOne Receivables Management, Inc.*—Filed  
2 in 2014 on behalf of Washington consumers who received  
3 unfair and deceptive debt collection notices that included  
4 threats of criminal prosecution. The Western District of  
5 Washington granted final approval of the \$1.9 million  
6 settlement on July 31, 2017.
- 7 e. *Solberg, et al. v. Victim Services, Inc., et al.*— Filed in 2014 on  
8 behalf of California consumers who received false, misleading,  
9 and deceptive debt collection letters printed on the letter head  
10 of county prosecuting attorneys. The Northern District of  
11 California granted final approval of a \$1.1 million settlement in  
12 August 2021.
- 13 f. *Cavnar, et al. v. BounceBack, Inc.*—Filed in 2014 on behalf of  
14 Washington consumers who received false, misleading, and  
15 deceptive debt collection letters printed on the letterhead of  
16 county prosecuting attorneys. The Eastern District of  
17 Washington granted final approval of the \$530,000 settlement  
18 on September 15, 2016.

19 8. Additional information about class actions litigated by Terrell Marshall is  
20 available on our website, [www.terrellmarshall.com](http://www.terrellmarshall.com).

21 **D. The prosecution of this action.**

22 9. Terrell Marshall has advanced significant costs for and invested numerous hours  
23 into the investigation and prosecution of this case. We will continue to commit the time and  
24 resources necessary to litigate the case and fairly and adequately represent and protect the  
25 interests of the proposed class.

26 10. Attached hereto as **Exhibit 1** is a true and correct copy of the parties' Settlement  
27 Agreement and Release.

11. MOE produced over 1,100 pages of documents and responded to  
interrogatories.

12. Plaintiffs also obtained documents and data from Audatex and Copart, the third  
parties MOE contracted with to provide services related to the total loss settlement offers.

13. Plaintiffs took a full day Rule 30(b)(6) deposition of MOE's corporate designee.

