

THE HONORABLE JASON POYDRAS
Department 18
Noted for Motion: October 12, 2022
Without Oral Argument

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

DOUGLAS PROUDLOVE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

SEED CONSULTING, LLC, doing business as,
SEED CAPITAL, CORP., ERIK GANTZ, KEVIN
TUSSY, and DOES 1-10,

Defendants.

NO. 20-2-09220-7 SEA

**ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

Plaintiff Douglas Proudlove moved for preliminary approval of a class action settlement with Defendants Seed Consulting, LLC, Erik Gantz, and Kevin Tussy. The terms of the settlement are set forth in the Settlement Agreement and Release attached as Exhibit 1 to the Declaration of Blythe H. Chandler in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement. The Court has read and considered the Settlement Agreement, and the briefing submitted in support of preliminary approval of the settlement and is fully advised.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Court preliminarily approves the Settlement Agreement and Release.
2. The settlement appears to be the product of serious, informed, non-collusive negotiations. The settlement has no obvious deficiencies, does not improperly grant

1 preferential treatment to any class members, and falls within the range of possible judicial
2 approval. *See William B. Rubenstein, Newberg on Class Actions* § 13:10 (5th ed. Dec. 2021
3 update).

4 3. The Court appoints CPT Group as the Class Administrator. As provided for in the
5 Settlement Agreement, the Class Administrator shall disseminate notice to Settlement Class
6 Members by mail and email, process and report on exclusion requests, establish and maintain
7 an account for deposit of the Settlement Fund, mail Settlement Award checks to Class
8 Members, and perform any additional duties that are called for by the Settlement Agreement
9 or ordered by the Court.

10 4. The Court approves the notice program outlined in the Settlement Agreement,
11 including the Postcard Notice and Settlement Website attached as exhibits 2 and 3 to the
12 Chandler Declaration. The notice provides all of the information Settlement Class Members
13 need to evaluate and respond to the settlement, including the nature of the litigation, the
14 general terms of the proposed settlement, their rights under the settlement, an explanation of
15 how they can object to or exclude themselves from the settlement, the identity of Class
16 Counsel and that Class Counsel will request attorneys' fees from the Settlement Fund, and the
17 date and time of the Final Approval Hearing. The notice also direct Class Members to a website
18 that will provide additional information about the settlement, as well as a toll-free number that
19 Class Members can call with questions.

20 5. The Court also approves the parties' plan for disseminating notice, which will
21 ensure that Class Members receive "the best notice practicable under the circumstances." CR
22 23(c)(2). Issuance of notice substantially in the manner set forth in the Settlement Agreement
23 satisfies the requirements of due process and applicable state and federal law and constitutes
24 due and sufficient notice to all members of the Settlement Class.

25 6. Within 14 days of entry of this Order, Class Counsel shall establish the
26 Settlement Website. Within 30 days of entry of this Order, the Class Administrator shall send
27 notice to all Settlement Class Members in accordance with the notice plan described in Section

1 VII.3 of the Settlement Agreement. The date the Settlement Administrator distributes notice is
2 the "Notice Date."

3 7. Any Settlement Class Member may exclude himself or herself from the
4 settlement by sending a written request to the Class Administrator by mail postmarked no later
5 than 45 days from the Notice Date. The exclusion request must be in writing and include the
6 name and address of the individual requesting exclusion. Following final approval of the
7 settlement and the occurrence of the Effective Date, each Settlement Class Member who does
8 not submit a timely, valid request for exclusion shall be bound by all terms of the Settlement
9 Agreement, including the release, and any final judgment entered by the Court in this case.

10 8. Any Settlement Class Member may object to the settlement by filing with the
11 Court a written statement objecting to the settlement, along with any supporting
12 documentation the Class Member wishes the Court to consider, no later than 45 days from the
13 Notice Date. For his or her objection to be considered by the Court, the Class Member must not
14 have excluded himself or herself from the settlement.

15 9. Class Counsel shall file their motion for an award of attorneys' fees, costs, and
16 service award no later than 30 days from the date of this Order.

17 10. The Class Administrator shall provide the parties with a declaration of due
18 diligence and proof of mailing, including information as to any inability to deliver notice
19 because of invalid addresses, the number of claims, the number of requests for exclusion, and
20 the number of objections, report on completion of the notice plan no later than 12 judicial days
21 before the Final Approval Hearing.

22 11. The parties shall file a motion for final approval of the settlement and response
23 to any objections no later than 14 days before the Final Approval Hearing.

24 12. A Final Approval Hearing shall be held before this Court on January 13, 2023, at 1
25 p.m. in the courtroom of the Jason Poydras (Department 18), King County Superior Court, 516
26 3rd Avenue, Seattle, Washington, 98104, and/or via Zoom. At the hearing, the Court will
27 consider whether the settlement is fair, reasonable, and adequate, and should be approved by

1 the Court. The Court will also consider Class Counsel's motion for attorneys' fees and costs and
2 for a service award to the class representative, and rule on any other matters that the Court
3 deems appropriate.

4 13. Any interested person who has not excluded themselves from the Settlement
5 Class may appear at the final approval hearing to address whether the proposed settlement
6 should or should not be approved as fair, reasonable, and adequate. The Court will consider all
7 properly submitted objections. Any Settlement Class Member who does not appear individually
8 or through counsel and who does not challenge or comment upon the fairness and adequacy of
9 the Settlement Agreement or Class Counsel's request for Class Counsel Fees shall waive and
10 forfeit any and all rights to appear separately or object.

11 14. The Court retains jurisdiction over the Action and all matters arising out of or
12 connected with the proposed settlement. The Court reserves the right to adjourn or continue
13 the date of the Final Approval Hearing without further notice to Settlement Class Members and
14 retains jurisdiction to consider all further applications arising out of or connected with the
15 settlement. After the Final Approval Hearing, the Court may approve the settlement without
16 further notice to Settlement Class Members.

17 15. If the Court does not enter the Final Approval Order, or if the Effective Date does
18 not occur for any reason, then the Action shall proceed as if the Settlement Agreement had not
19 been executed. In that event, the Parties shall meet and confer and present the Court with a
20 proposed revised case scheduling order.

21 IT IS SO ORDERED.

22 DATED this 15th day of October, 2022

23 Electronically signed and filed
24 THE HONORABLE JASON POYDRAS

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1 Presented By:

2 TERRELL MARSHALL LAW GROUP PLLC

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

4 Beth E. Terrell, WSBA #26759
5 Email: bterrell@terrellmarshall.com
6 Blythe H. Chandler, WSBA #43387
7 Email: bchandler@terrellmarshall.com
8 936 North 34th Street, Suite 300
9 Seattle, Washington 98103-8869
10 Telephone: (206) 816-6603
11 Facsimile: (206) 319-5450

12 Paul Arons, WSBA #47599
13 Email: lopa@rockisland.com
14 LAW OFFICE OF PAUL ARONS
15 175 Gretchen Way
16 Friday Harbor, Washington 98250
17 Telephone: (360) 378-6496
18 Facsimile: (360) 378-6498

19 Sam Leonard, WSBA #46498
20 Email: sam@seattledebtdefense.com
21 LEONARD LAW
22 3614 California Avenue SW, #151
23 Seattle, Washington 98116
24 Telephone: (206) 486-1176
25 Facsimile: (206) 458-6028

26 *Attorneys for Plaintiffs*

King County Superior Court
Judicial Electronic Signature Page

Case Number: 20-2-09220-7
Case Title: PROUDLOVE vs SEED CONSULTING DBA
Document Title: ORDER RE PRELIMINARY CLASS SETTLEMENT

Signed By: Jason Poydras
Date: October 17, 2022



Judge: Jason Poydras

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

Certificate Hash: D8E7FB36AB3E954B6E232C00A6F30764B5D1FC86
Certificate effective date: 8/2/2021 1:33:59 PM
Certificate expiry date: 8/2/2026 1:33:59 PM
Certificate Issued by: C=US, E=KCSCEFILING@KINGCOUNTY.GOV,
OU=KCDJA, O=KCDJA, CN="Jason Poydras:
mrJX5iJ16hGItwA1/CyjcQ=="