

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

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR CLASS  
CERTIFICATION**

THIS MATTER came before the Court on Plaintiff's Motion for Class Certification. Prior to  
ruling the Court considered the following:

1. Plaintiff's Motion for Class Certification;
2. Declaration of Blythe H. Chandler in Support of Plaintiff's Motion for Class  
Certification;
3. Declaration of Samuel Leonard in Support of Plaintiff's Motion for Class  
Certification;
4. Declaration of Paul Arons in Support of Plaintiff's Motion for Class Certification;
5. Declaration of Douglas Proudlove in Support of Plaintiff's Motion for Class  
Certification;

1 6. Defendants' Response;

2 7. Plaintiff's Reply, *Second Declaration of PAUL ARBONIS excluding Exhibits 30-60, 2nd*  
3 *Defendants' SURREPLY*

4 8. The Court finds that the Umbrella Class and Response Marketing Sub-Class .  
5 satisfy the requirements of CR 23(a) and (b)(3).

6 9. The numerosity requirement is satisfied because there are at least 500 members  
7 of the Umbrella Class and the Court can reasonably infer that the Sub-Class has more than 40  
8 members. *See Miller v. Farmer Bros. Co.*, 115 Wn. App. 815, 821, 64 P.3d 49 (2003); *West v. Cal.*  
9 *Servs. Bureau, Inc.*, 323 F.R.D. 295, 303 (N.D. Cal. 2017) (courts may "make common-sense  
10 assumptions and reasonable inferences" in analyzing numerosity).

11 10. The commonality requirement is satisfied because there are overarching  
12 questions of law and fact common to the Class and Sub-Class, including (1) whether Seed's<sup>1</sup>  
13 practice of charging thousands of dollars to submit credit card applications violated the CSOA  
14 and thus constituted a per se unfair practice in violation of the CPA, and (2) whether Seed's role  
15 in an alleged scheme to trick consumers into paying inflated fees for essentially worthless  
16 seminars constituted a deceptive or unfair practice in violation of the CPA. *See Smith v. Behr*  
17 *Process Corp.*, 113 Wn. App. 306, 320, 54 P.3d 665 (2002).

18 11. The typicality requirement is satisfied because Plaintiff's claim arises from the  
19 same course of conduct that gives rise to the claims of other Class and Sub-Class members and  
20 is based on the same legal theory. *See Pellino v. Brink's Inc.*, 164 Wn. App. 668, 684, 267 P.3d  
21 383 (2011).

22 12. The adequacy requirement is satisfied because Plaintiff has no interests  
23 antagonistic to the other Class members and is represented by qualified counsel. *See Hansen v.*  
24 *Ticket Track, Inc.*, 213 F.R.D. 412, 415 (W.D. Wash. 2003).

25 13. The predominance requirement is satisfied because there is a "common nucleus  
26 of operative facts" supporting each Class and Sub-Class member's claims, and all Class and Sub-

27 <sup>1</sup> "Seed" means Seed Consulting and its co-founders, defendants Erik Gantz and Kevin Tussy.

1 class members were subject to the same conduct by Seed. *See Chavez v. Our Lady of Lourdes*  
2 *Hosp. at Pasco*, 190 Wn.2d 507, 516, 415 P.3d 224 (2018).

3 14. The superiority requirement is satisfied because the resolution of hundreds of  
4 claims in one action is far superior to individual lawsuits and promotes consistency and  
5 efficiency of adjudication. *See Chavez*, 190 Wn.2d at 515.

6 IT IS HEREBY ORDERED THAT Plaintiff's Motion for Class Certification is GRANTED. The  
7 Court certifies the following Class and Sub-class:

8 **Umbrella Class:** All Washington residents who signed an  
9 agreement with Seed Capital in substantially the form of Exhibit A  
10 to the First Amended Complaint, paid any money to Seed Capital,  
11 and received only consumer credit cards or lines of credit as a result  
12 of Seed Capital's services, at any time starting four years preceding  
13 the filing of this action.

14 **Response Marketing Sub-class:** All persons in the Umbrella Class  
15 who purchased Seed Capital's services in connection with a  
16 program operated by Response Marketing Group or any related  
17 entity.

18 Plaintiff Douglas Proudlove is appointed to serve as class representative and his counsel  
19 is appointed to serve as class counsel.

20 IT IS SO ORDERED.

21 DATED this 15<sup>th</sup> day of October, 2021.

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THE HONORABLE JASON POYDRAS

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