

10/16/2025 5072 0097

THE HONORABLE DIANA L. KIESEL
Department 7
Noted for Consideration: October 10, 2025
Without Oral Argument

IN THE SUPERIOR COURT OF THE STATE WASHINGTON
COUNTY OF PIERCE

BRIAN BRUTON, CHRISTOPHER HORNE, and
TRAVIS THORPE, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

LINDE GAS & EQUIPMENT, INC., a Delaware
corporation, EARNEST CORNWELL,
individually and on behalf of the marital
community of J. DOE CORNWELL,

Defendants.

NO. 24-2-08098-3

**AGREED , ORDER GRANTING
PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

This matter comes before the Court on Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion"). The Court has reviewed the papers filed in connection with the Motion, including the declaration of Eric R. Nusser, the proposed Settlement Agreement, and the proposed settlement notice attached thereto.

The Court hereby GRANTS Plaintiffs' motion and preliminarily approves the parties' proposed classwide settlement. The Court further ORDERS as follows:

1. Unless otherwise noted, capitalized terms used herein have the definitions given to them by the parties in the Settlement Agreement.

2. For settlement purposes only, the Court finds that the prerequisites of CR 23(a) and (b)(3) are satisfied for the Settlement Class, as defined by the parties and set forth below.

3. For settlement purposes only, the Settlement Class, which consists of 34 individuals, is sufficiently numerous such that joinder of all members is impracticable.

4. There are questions of law and fact common to the Settlement Class for purposes of settlement.

5. For settlement purposes only, Plaintiffs' claims are typical of the claims of the Settlement Class, and Plaintiffs and Settlement Class Counsel will fairly and adequately protect the interests of the Settlement Class.

6. Certification of the Settlement Class under CR 23(b)(3) is also appropriate for settlement purposes because questions of law and fact common to the Settlement Class Members predominate over questions affecting individual members, and a class action is superior to other available means for the fair and efficient resolution of this controversy.

7. Pursuant to Civil Rule 23(a) and (b)(3), the Court certifies this matter as a class action for settlement purposes, with the Settlement Class defined as follows:

All individuals who are or have been employed as drivers, retail sales staff, or sales support staff by Linde Gas & Equipment Inc. in the state of Washington and who have worked at or been dispatched from its location at 486 E 19th Street, Tacoma, Washington, from May 20, 2021, through December 31, 2024.

Excluded from the Settlement Class are (a) the judge to whom this case is assigned and any member of the judge's immediate family; (b) any officers, directors, agents, legal representatives, assignees, or successors of Linde Gas; and (c) any entity in which Linde Gas has a controlling interest or that have a controlling interest in Linde Gas.

8. The Court appoints Plaintiffs Brian Bruton, Christopher Horne, and Travis Thorpe as Settlement Class Representatives.

9. The Court appoints Terrell Marshall Law Group PLLC and Vanguard Law as Settlement Class Counsel.

10. The Court appoints Simpluris as Settlement Administrator, with the duties and responsibilities set forth by the parties in the Settlement Agreement.

11. The Court preliminarily finds that the parties' proposed settlement falls within the range of a fair, reasonable, and adequate settlement. The Court further finds that (a) the Settlement resulted from extensive arm's length negotiations after significant investigation and exchange of information and a full-day mediation; (b) the Settlement amount appears reasonable and adequate in light of the costs, delays, and risks inherent in continued litigation; and (c) the Settlement is sufficient to warrant notice thereof to the Settlement Class Members and to schedule a final approval hearing.

12. The Court approves the proposed notice plan and the form and content of the proposed notice, attached as Exhibit A to the Settlement Agreement, and orders that notice of the settlement be sent to Settlement Class Members.

13. The Court conditionally approves Settlement Class Counsel's request for an Attorneys' Fees and Costs Award of \$190,000. This approval is preliminary and is subject to modification at the time of final settlement approval.

14. The Court preliminarily approves a Settlement Class Representative Service Award payment of \$5,000 to each Plaintiff in recognition of their efforts in this case and service to the Settlement Class. This approval is preliminary and is subject to modification at the time of final settlement approval.

15. On _____, 2026, at _____ a.m./p.m., the Court will conduct a Final Approval Hearing to determine whether to finally approve the settlement as fair, reasonable, and adequate, which, if so approved, will result in a dismissal of the case with prejudice. The Final Approval Hearing may, without further notice to the Settlement Class, be continued or adjourned by order of this Court. Such hearing will take place in Pierce County Superior Court, Department 7, County-City Building, 930 Tacoma Avenue South, Tacoma, WA 98402.

16. Participating Settlement Class Members are not required to attend the Final Approval Hearing to be included as part of the Participating Settlement Class, but they may

1 appear if they so choose, subject to the requirements in Section 9 of the proposed settlement
2 notice.

3 17. This Order and the Settlement are not admissions or concessions by Defendant
4 or the Released Parties of any liability or wrongdoing. This Order is not a determination of
5 liability and does not constitute any opinion of this Court as to the merits of the claims and
6 defenses in this Action.

7 18. The Court directs Settlement Class Counsel to submit a motion for final approval
8 of the settlement and attorneys' fees and costs no later than 14 days before the Notice
9 Deadline and a supplemental brief updating the Court on the final number of opt-outs and
10 objections no later than 10 days after the Notice Deadline.

11 19. In the event the parties' proposed settlement does not become effective in
12 accordance with the terms of the Settlement Agreement or is not finally approved by this
13 Court, the Court shall vacate this Order, decertify the Settlement Class, and reinstate all claims
14 and defenses.

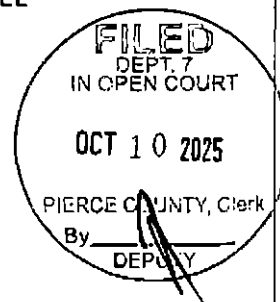
15 IT IS SO ORDERED this 10 day of October, 2025.

16
17 
18 THE HONORABLE DIANA L. KIESEL

19 Presented by:

20 TERRELL MARSHALL LAW GROUP PLLC

21 By: /s/ Eric R. Nusser, WSBA #51513
22 Toby J. Marshall, WSBA #32726
23 Email: tmarshall@terrellmarshall.com
24 Eric R. Nusser, WSBA #51513
25 Email: eric@terrellmarshall.com
26 936 N. 34th Street, Suite 300
27 Seattle, Washington 98103
Telephone: (206) 816-6603



1 Spencer Nathan Thal, WSBA #20074
Email: spencer@vanguardlawfirm.com
2 Zachariah Nathan Thal, WSBA #55462
Email: zach@vanguardlawfirm.com
3 VANGUARD LAW
4 PO Box 939
5 Poulsbo, Washington 98370
Telephone: (206) 488-8344

6 *Attorneys for Plaintiffs*

7 LITTLER MENDELSON, P.C.

8
9 By: /s/ Breanne S. Martell, WSBA #39632

10 Breanne S. Martell, WSBA #39632
Email: bsmartell@littler.com
11 Brian Rho, WSBA #51209
Email: brho@littler.com
12 One Union Square
13 600 University Street, Suite 3200
Seattle, Washington 98101
14 Telephone: (206) 623-3300

15 *Attorneys for Defendant Linde Gas & Equipment, Inc.*