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3 KING COUNTY  
4 SUPERIOR COURT CLERK  
5 E-FILED  
6 CASE #: 23-2-10294-1 SEA

THE HONORABLE WILLIAM L. DIXON V  
Department 46  
Hearing Date: July 17, 2026

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

9 EPIC HOMEOWNERS ASSOCIATION, a  
10 Washington limited liability company;  
11 BAYVIEW ON THE LAKE CONDOMINIUM  
12 OWNERS ASSOCIATION, a Washington  
13 nonprofit corporation; ARBORETUM AT VISTA  
14 PARK CONDOMINIUM ASSOCIATION, a  
15 Washington nonprofit corporation; THE VINE  
16 BUILDING OWNERS ASSOCIATION, a  
17 Washington nonprofit corporation; and THE  
18 COSMOPOLITAN CONDOMINIUM OWNERS'  
19 ASSOCIATION, a Washington nonprofit  
20 corporation, all individually and on behalf of  
21 similarly situated entities,

22 Plaintiffs,

23 v.

24 MARK HOLMES and J. DOE HOLMES, and the  
25 marital community comprised thereof;  
26 KAPPES MILLER MANAGEMENT, LLC, a  
27 Washington limited liability company; YATES,  
WOOD & MCDONALD, INC., a Washington  
corporation; ECONDOSERVICES.COM, LLC, a  
Washington limited liability company;  
ASSOCIATION UNDERWRITERS OF  
WASHINGTON, LLC, a Washington limited  
liability company; DOE ENTITIES 1–20; and  
KELLY SZETO and J. DOE SZETO, and the  
marital community comprised thereof,

Defendants.

NO. 23-2-10294-1 SEA

**DECLARATION OF MICHELLE KENNEDY  
REGARDING NOTICE ADMINISTRATION**

1 I, Michelle Kennedy, declare as follows:

2 1. I am employed as a Project Manager by Simpluris, Inc. ("Simpluris"), the claims  
3 administrator in the above-entitled action. Our corporate office address is 3194-C Airport Loop  
4 Dr., Costa Mesa, CA 92626. My telephone number is (714) 617-7326. I am over twenty-one  
5 years of age and authorized to make this declaration on behalf of Simpluris and myself. I have  
6 personal knowledge of the information set forth herein.

7 2. Simpluris is a class action administrator located in Costa Mesa, California.  
8 Established in 2007, Simpluris has administered over 9,000 cases nationwide, with class sizes  
9 ranging from a few hundred to over one million class members. Representative cases include:  
10 *Myart v. AutoZone, Inc.* and *Aceves v. Autozone, Inc.* (US District Court, CA Central Division)  
11 (208,050 class members), *Diaz v. SeaWorld* (Superior Court of the State of California) (1,281,123  
12 class members), and *Woods v. Vector Marketing* (US District Court, Northern District of  
13 California) (194,500 class members).

14 3. Simpluris was approved by Counsel for both Parties and appointed by the Court  
15 in the Order Granting Plaintiffs' Unopposed Motion for Preliminary Approval of Class  
16 Settlement (Sub. No. 194 ("Preliminary Approval Order")), entered on March 26, 2026, to  
17 provide settlement administration services in this case. In this capacity, Simpluris was charged  
18 with the following:

- 19 a. printing and mailing a postcard notice to known Class Members;  
20 b. emailing an email notice to known Class Members;  
21 c. establishing and maintaining a settlement case email address to provide  
22 the email notice offering the opportunity to view further information and  
23 frequently-asked questions;  
24 d. receiving and processing Class Members' requests for exclusion from the  
25 proposed settlement and objections to the proposed settlement;  
26  
27

- 1 e. processing and issuing payments to eligible Settlement Class Members,  
2 and sending payments to the Settlement Class Representative and  
3 Settlement Class Counsel;  
4 f. providing counsel for the Parties with weekly status reports; and  
5 g. other tasks as the Parties mutually agree or the Court orders Simpluris to  
6 perform.

7 **CLASS LIST**

8 4. On March 31, 2026, Counsel for Epic Homeowners Association, et al. provided  
9 Simpluris with a data list containing the mailing addresses, names, titles, and last known  
10 contact information during the Class period for each Class Member (“class list”). The class list  
11 contained records for 56 homeowner or condominium owner associations identified as Class  
12 Members.

13 5. The mailing addresses contained in the Class List were processed and updated  
14 utilizing the National Change of Address Database (“NCOA”) maintained by the U.S. Postal  
15 Service (“USPS”). The NCOA contains changes of addresses filed with the USPS. In the event  
16 that any individual had filed a USPS change of address request, the address listed with the  
17 NCOA was utilized in connection with the mailing of the Notices.

18 **MAIL AND EMAIL NOTICE**

19 6. Pursuant to the Preliminary Approval Order, Simpluris formatted the Postcard  
20 Notice to be sent by mail and the Email Notice to be sent by email. Attached hereto as **Exhibits**  
21 **A and B** are the Postcard and Email Notices, respectively.

22 7. The Postcard and Email Notices advised Class Members of their right to request  
23 exclusion from the settlement, object to the settlement, or do nothing, and the settlement fund  
24 information. The Postcard Notice advised Class Members of the applicable objection deadline  
25 and provided a QR code to the website where Class Members could obtain additional  
26 information.



By: Michelle Kennedy  
Michelle Kennedy

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CERTIFICATE OF SERVICE

I, Blythe H. Chandler, hereby certify that on July 2, 2026, I caused true and correct copies of the foregoing to be served via the means indicated below:

Mary DePaolo Haddad, WSBA #30604  
Email: mhaddad@klinedinstlaw.com  
Gregor A. Hensrude, WSBA #45918  
Email: ghensrude@klinedinstlaw.com  
Jack T. Bishop, WSBA #55564  
Email: jbishop@klinedinstlaw.com  
KLINEDINST PC  
1325 Fourth Avenue, Suite 1335  
Seattle, Washington 98101  
Telephone: (206) 672-4400

- U.S. Mail, postage prepaid
- Hand Delivered via Messenger Service
- Overnight Courier
- Facsimile
- Electronic Mail
- King County Electronic Filing System

*Attorneys for Defendants Kappes Miller Management, LLC, Yates, Wood & MacDonald, Inc., and eCondoservices.com, LLC*

Jeffrey Bilanko, WSBA #38829  
Email: jbilanko@cbblegal.com  
CARROL, BIDDLE, & BILANKO, PLLC  
411 W. Mercer Street  
Seattle, Washington 98119  
Telephone: (206) 338-1605

- U.S. Mail, postage prepaid
- Hand Delivered via Messenger Service
- Overnight Courier
- Facsimile
- Electronic Mail
- King County Electronic Filing System

*Attorneys for Defendants Association Underwriters of Washington, Mark Holmes, J. Doe Holmes, Kelly Szeto and J. Doe Szeto*

Fred B. Burnside, WSBA #32491  
Email: fredburnside@dwt.com  
Ardie Ermac, WSBA #60755  
Email: ardieermac@dwt.com  
DAVIS WRIGHT TREMAINE LLP  
920 Fifth Avenue, Suite 3300  
Seattle, Washington 98104  
Telephone: (206) 622-3150

- U.S. Mail, postage prepaid
- Hand Delivered via Messenger Service
- Overnight Courier
- Facsimile
- Electronic Mail
- King County Electronic Filing System

*Attorneys for Mark Holmes*

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

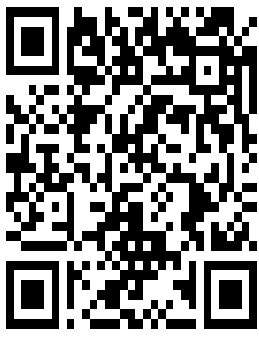
DATED this 2nd day of July, 2026.

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

# **EXHIBIT A**

Washington State Superior Court for King County  
*Epic Homeowners Association, et al. v. Mark Holmes, et al.*  
Case No. 23-2-10294-1

**Class Action Notice**  
*Authorized by King County Superior Court*



Scan for website

Are you a condominium or homeowners association that had a property management contract with Kappes Miller, Yates Wood, or eCondoServices and bought insurance from Association Underwriters of Washington since June 6, 2019?

There is a \$1,265,000.00 settlement of a lawsuit. Lawyers for the class will seek up to \$461,245 in attorneys' fees and costs and up to \$30,000 for each plaintiff in service awards. Your HOA' or COA's estimated payment is \$«MERGED\_EstPmt». The final amount may be more or less.

You may be entitled to money. To exclude your HOA or COA or object to this settlement, you must respond by June 26, 2026. Visit [terrellmarshall.com/cases/HOASettlement](http://terrellmarshall.com/cases/HOASettlement) to learn more.

**Key things to know:**

- This is an important legal document.
- If you take no action, any ruling from the court will apply to you, and you will not be able to sue defendants about the same issues.
- If you have questions or need assistance, please call 855-349-7023.
- You can learn more at [terrellmarshall.com/cases/HOASettlement](http://terrellmarshall.com/cases/HOASettlement) or by scanning the QR code.

Epic Homeowners Association  
Settlement  
c/o Settlement Administrator  
PO Box 25226

PRESORTED  
FIRST CLASS  
U.S. POSTAGE  
PAID  
SIMPLURIS INC

## **Court Ordered Legal Notice**

**A proposed settlement (the "Settlement") has been reached in a class action lawsuit, *Epic Homeowners Association, et al. v. Mark Holmes, et al.*  
Case No. 23-2-10294-1**

«IMbJullBarcodeEncoded»  
«BusinessName»  
«FirstName» «LastName»  
«Address1» «Address2»  
«City», «State» «Zip»-«ZipDPC3»

SIMID «SIMID»  
«Barcode Encoded»

# **EXHIBIT B**

Outbound Email Address: noreply@EpicHOASettlement.com

Subject Line: Notice of Proposed Class Action Settlement

## **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

There is a \$1,265,000.00 settlement of a lawsuit that may affect your rights. If you are a condominium or homeowners association that (a) had a property management relationship with Kappes Miller, Yates Wood, or eCondoServices; (b) purchased insurance through AUW within four years before June 6, 2023; (c) paid a broker fee as a part of the “premium,” which made the “premium” greater than the actual consideration owed for an insurance contract or renewal as shown on the declaration pages of the relevant insurance policy; and (d) did not otherwise receive and sign a compensation disclosure form disclosing a broker fee, the settlement of the Class Action Lawsuit may affect your rights.

For complete information, visit <https://www.terrellmarshall.com/cases/hoasettlement> or call 855-349-7023.

You are not being sued. This is not a solicitation from a lawyer. This email notice was authorized by the Superior Court of the State of Washington for King County.

**You received this email notice because you may be a member of the group of people affected, called the “class.” This notice tells you how to get more information.**

### **What is the lawsuit about?**

A Settlement has been reached in a class action lawsuit against Mark Holmes; Kappes Miller Management, LLC; Yates, Wood & McDonald, Inc.; eCondoservices.com, LLC; Association Underwriters of Washington; and Kelly Szeto (collectively, “Defendants”). The lawsuit claims that Defendants charged a broker fee to Class Member HOAs or COAs as a part of insurance “premiums,” which made the “premiums” greater than the actual consideration owed for an insurance contract or renewal as shown on the declaration pages of the relevant insurance policies and did not otherwise provide a compensation disclosure form disclosing a broker fee. Defendants in the lawsuit deny they did anything wrong. The Settlement is a compromise to end the lawsuit – it does not determine who is right. The lawsuit is called *Epic Homeowners Association, et al. v. Mark Holmes, et al.*, Case No. 23-2-10294-1 SEA, and is pending in King County Superior Court for the State of Washington.

### **Your options:**

**Option 1:** Do nothing to get payment from the settlement and be bound by the settlement. If you want to receive your payment electronically, instead of by check, email [info@EpicHOASettlement.com](mailto:info@EpicHOASettlement.com) to receive an electronic payment.

**Option 2:** Submit an Opt Out request to get no payment, but keep the right to sue Defendants about the same issues. To Opt Out you must act by June 26, 2026. Visit <https://www.terrellmarshall.com/cases/hoasettlement> for more information.

Outbound Email Address: noreply@EpicHOASettlement.com

Subject Line: Notice of Proposed Class Action Settlement

**Option 3:** Object. Tell the court why you don't like the settlement, but remain in the class. To object you must act by June 26, 2026. Visit <https://www.terrellmarshall.com/cases/hoasettlement> for more information.

### **How do the lawyers get paid?**

Lawyers' fees and costs will be paid from the Settlement Fund. You will not have to pay the lawyers directly.

To date, your lawyers have not been paid any money for their work or the expenses that they have paid for the case. To pay for some of their time and risk in bringing this case without any guarantee of payment unless they were successful, your lawyers will request, as part of the final approval of this Settlement, that the Court approve a payment of up to \$461,245 total in attorneys' fees and costs.

Lawyers' fees and expenses will only be awarded if approved by the Court as a fair and reasonable amount. You have the right to object to the lawyers' fees even if you think the settlement terms are fair.

Your lawyers will also ask the Court to approve a payment of \$30,000.00 to each of the Class Representatives for the time and effort they contributed to the case. If approved by the Court, the Service Awards will be paid from the Settlement Fund.

### **How much will your HOA or COA get paid?**

Your HOA or COA's estimated payment amount is \$«MERGED\_EstPmt» The final amount may be more or less.

**For complete information, visit <https://www.terrellmarshall.com/cases/hoasettlement> or call 855-349-7023.**