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KITSAP COUNTY CLERK
DAVID T. LEWIS III

The Honorable _____

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP

LESLIE KAHN, TAUSHA STAMP and
ALAINA HICKS, individually and on behalf of
all those similarly situated,

Plaintiffs,

vs.

THE DOCTORS CLINIC, A PROFESSIONAL
CORPORATION, a Washington Professional
Service Corporation,

Defendant.

No. 23-2-02374-18

~~PROPOSED~~ ORDER
CONDITIONALLY CERTIFYING
SETTLEMENT CLASS, GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT,
AUTHORIZING NOTICE, AND
SETTING FINAL FAIRNESS HEARING

(CLERK'S ACTION REQUIRED)

This matter came before the Court on Plaintiffs' Motion for Conditional Settlement Class Certification and Preliminary Approval of Class Action Settlement ("Plaintiffs' Motion"). In conjunction with Plaintiffs' Motion, Plaintiffs have filed a copy of the Parties' signed Class Action Settlement Agreement and Release of Claims (the "Settlement Agreement"), attached as Exhibit 1 to the Declaration of James B. Pizl in support of Plaintiffs' Motion.

WHEREAS, the Court has considered Plaintiffs' Motion, the Parties' signed Settlement Agreement, and all of the other pleadings, papers, and filings herein;

WHEREAS, as used herein, all terms defined in the Parties' Settlement Agreement shall have the same meaning here; and

ORDER CONDITIONALLY CERTIFYING SETTLEMENT
CLASS, GRANTING PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT, AUTHORIZING NOTICE,
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1 WHEREAS, good cause appearing that the Parties' Settlement Agreement is within the
2 range of reasonableness and is presumptively valid,

3 1. NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

4 Pursuant to Washington Superior Court Civil Rule 23(a) and (b)(3), and in conjunction
5 with the Settlement Agreement, the Court hereby certifies this case as a class action, solely for
6 purposes of implementing the Parties' Settlement Agreement, on behalf of the following Proposed
7 Settlement Class:

8 All individuals who are or were employed by The Doctors Clinic in Washington
9 state in positions paid on an hourly basis at any time from December 22, 2020,
through March 7, 2024.

10 The Settlement Class shall exclude any persons who opt out of the Settlement Class in accordance
11 with the terms of the Settlement Agreement and Paragraph 14 of this Order.

12 2. The Court finds that the prerequisites of CR 23(a) and (b)(3) have been satisfied for
13 the Settlement Class. Specifically, the Court finds as follows:

14 a. The Settlement Class, which consists of approximately 669 individuals, is
15 so numerous that joinder of all members is impracticable. In reaching this conclusion, the Court
16 has considered not just the number of Class members, but the interests of judicial efficiency, the
17 relatively small value of many Settlement Class Member claims, and other factors relevant to the
18 interest and ability of employees to individually join or bring claims against a current or former
19 employer.

20 b. There are questions of law and fact common to the Settlement Class,
21 including, but not limited to: whether Defendant violated WAC 296-126-092 by failing to provide
22 adequate rest breaks and meal periods to Plaintiff and members of the Settlement Class; and
23 whether Defendant was required to and failed to compensate Plaintiff and members of the
24 Settlement Class with additional wages when rest breaks and meal periods were not provided in
25 compliance with Washington law.
26

1 c. The claims of the Named Plaintiffs are typical of the claims of the
2 Settlement Class, and the Named Plaintiffs and Class Counsel will fairly and adequately protect
3 the interests of the Settlement Class.

4 d. Certification of a Settlement Class under CR 23(b)(3) is appropriate because
5 questions of law and fact common to all Settlement Class Members predominate over any
6 questions affecting only individual members, and a class action is superior to other available means
7 for the fair and efficient resolution of this controversy. Such common questions of law and fact
8 include, but are not limited to those identified in subparagraph (b) above.

9 3. Pursuant to CR 23, Tausha Stamp and Alaina Hicks are hereby appointed and
10 designated, for all purposes, as the Class Representatives of the Settlement Class, and James B.
11 Pizl, Entente Law PLLC, and James McCanna are hereby appointed and designated as Class
12 Counsel for the Settlement Class.

13 4. Class Counsel is authorized to act on behalf of the Settlement Class with respect to
14 all acts or consents required by or which may be required pursuant to the Settlement Agreement.

15 5. The Court approves the proposed form and content of the Notice of Proposed
16 Settlement of Class Action ("Class Notice") that is attached as Exhibit A of Exhibit 1 to the
17 Declaration of James B. Pizl.

18 6. The Court hereby appoints CPT Group Class Action Administrators as Settlement
19 Administrator responsible for establishing a Qualified Settlement Fund ("QSF") pursuant to IRC
20 § 468B(g), mailing and/or emailing Class Notices and settlement awards to Settlement Class
21 Members, processing and filing all appropriate tax forms and documents including but not limited
22 to W2s, 1099s, 1120-SF, etc.

23 7. Consistent with the terms of the Settlement Agreement, the Settlement
24 Administrator is hereby directed to email (if possible) and mail, or cause to be mailed, by first-
25 class mail, a copy of the Class Notice to each Settlement Class Member no later than fifty (50)
26 calendar days following the date of this Order.

1 8. Pursuant to CR 23, the Court hereby finds and concludes that the form and manner
2 of giving notice by mailing a Class Notice to each individual Settlement Class Member, as required
3 by the Settlement Agreement and by this Order, is the best notice practicable under the
4 circumstances, including but not limited to notice that each Settlement Class Member will be
5 bound by the release of claims if they do not exclude themselves from the class. Said notice
6 procedures fully satisfy the requirements of CR 23(c)(2) and CR 23(e) and the requirements of due
7 process.

8 9. The Court conditionally approves Class Counsel's request for an attorneys' fees
9 award of \$312,750 or 30% of the gross Settlement Fund, plus actual and projected litigation costs
10 of \$7,500. This approval is preliminary and is subject to modification at the time of final settlement
11 approval upon a showing of appropriate cause.

12 10. The Court preliminarily approves up to \$15,000 to be paid from the settlement fund
13 to compensate CPT Group Class Action Administrators for its services provided in the
14 administration of the settlement. This approval is preliminary and is subject to modification at the
15 time of final settlement approval upon a showing of appropriate cause.

16 11. The Court preliminarily approves an award of an incentive payment of \$7,500 to
17 Tausha Stamp, Alaina Hicks, and the estate of Leslie Kahn in recognition of their role in this case
18 and service to the Settlement Class and in recognition of their full, general release of claims related
19 to their employment. This approval is preliminary and is subject to modification at the time of final
20 settlement approval.

21 12. The Court preliminary approves an additional award of \$42,500 to the estate of
22 Leslie Kahn in exchange for her full release of all claims including but not limited to claims raised
23 in the First Amended Class Action Complaint for damages and any known or unknown claims
24 related to her application for employment, employment, or cessation of employment with
25 Defendant.
26

1 13. On May 9, 2025, a Final Settlement Approval Hearing shall be held at Kitsap
2 County Superior Court in Port Orchard, Washington, to determine whether the Court should
3 approve the fairness, adequacy, and reasonableness of the terms and conditions of the Settlement
4 Agreement and whether the Court should enter the Parties' proposed Final Order and Judgment.

5 14. Pursuant to Kitsap County Local Court Rules, Plaintiffs shall file memoranda or
6 other papers they may wish to submit in support of the proposed Settlement Agreement no later
7 than seven (7) court days before the Final Settlement Approval Hearing. The memoranda shall
8 confirm that the mailing of the Class Notice was completed in accordance with the requirements
9 of this Order and provide information concerning the individuals that have opted out of the
10 settlement and any objections received.

11 15. Any person who is eligible to exclude him or herself from the Settlement Class
12 under the terms of the Settlement Agreement must do so by following the instructions for
13 requesting exclusion as set forth in the Class Notice. All requests for exclusion from the Settlement
14 Class must be postmarked, hand-delivered, or emailed to the Settlement Administrator no later
15 than 45 days after the date of mailing of the Class Notice, in accordance with the instructions in
16 the Class Notice and the terms and requirements of the Settlement Agreement, or they shall be
17 deemed void and ineffective.

18 16. Any Settlement Class Member may enter an appearance through counsel of such
19 Settlement Class Member's own choosing and at such Settlement Class Member's own expense.
20 Any Settlement Class Member who does not personally appear or otherwise enter an appearance
21 at the Final Settlement Approval Hearing shall be deemed to be represented by Class Counsel in
22 this litigation as provided above.

1 17. Any Settlement Class Member who has not validly requested exclusion may submit
2 written objections to the Settlement Agreement by mailing to the Settlement Administrator, at the
3 addresses provided in the Settlement Notice, a written statement containing the Settlement Class
4 Member's name, current address, and the substance of his or her objection (including any briefs
5 and supporting papers) no later than 45 days after the date of mailing of the Class Notice. Any
6 Settlement Class Member who presents written objections in the manner prescribed above may
7 also appear personally or through counsel at the Final Settlement Approval Hearing to express the
8 Settlement Class Member's views regarding the Settlement Agreement. Only Settlement Class
9 Members who object to the Settlement Agreement in writing, in person, or by appearance through
10 counsel, in accordance with the procedures set forth in this Order, shall be permitted to appeal or
11 otherwise seek review of this Court's decision approving or rejecting the Settlement Agreement.
12 Failure to follow the procedures for objecting set forth herein shall constitute a waiver of a
13 Settlement Class Member's right to object to the Settlement Agreement.


14 18. Pending this Court's ruling on final approval of the Settlement Agreement, the
15 Named Plaintiffs and all Settlement Class Members are enjoined from filing or prosecuting any
16 claims, suits or administrative proceedings regarding claims released in the Settlement Agreement,
17 unless and until the Court's final settlement approval hearing.

18 19. The Final Settlement Approval Hearing, and all dates provided for herein, may,
19 without further notice to the Settlement Class, be continued or adjourned by order of this Court.

20 20. Consistent with the Settlement Agreement, neither this Order, nor the fact or
21 substance of the Settlement Agreement, shall be considered a concession or admission, nor shall
22 they be used as evidence in any proceeding for the purpose of establishing Defendant's liability or
23 wrongdoing.

21. In the event the Settlement does not become effective in accordance with the terms of the Settlement Agreement, or the Settlement is not finally approved, or the Settlement Agreement is terminated, canceled, or fails to become effective for any reason, this Order shall be vacated and rendered null and void, the Settlement Class shall be decertified, and all claims and defenses previously asserted by the Parties shall be reinstated and the Court shall enter further appropriate orders governing the proceedings and establishing a revised case schedule in this matter.

IT IS SO ORDERED this 3rd day of January, 2025


The Honorable
Judge, Kitsap County Superior Court **WILLIAM C. HOUSER**

Presented by:

Copy Received; Approved as to Form;
Notice of Presentation Waived:

ENTENTE LAW PLLC

DAVIS WRIGHT TREMAINE LLP

/s/ James B. Pizl

James B. Pizl, WSBA#28969

/s/ Devin M. Smith {with permission}

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Attorneys for Plaintiffs

Attorneys for Defendant