

THE HONORABLE MARSHALL L. FERGUSON
Department 31
Hearing Date: February 21, 2025
Hearing Time: 10:00 a.m.
With Oral Argument

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

JOSHUA KING, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

BEACON SALES ACQUISITION, INC., a Delaware
corporation

Defendant.

NO. 22-2-14226-0 SEA

**PLAINTIFF'S SUPPLEMENTAL BRIEF IN
SUPPORT OF UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND ATTORNEYS' FEES
AND COSTS**

On November 22, 2024, Plaintiff Joshua King filed his unopposed motion for final approval of the class action settlement and attorneys' fees and costs in this matter. Dkt. 34. In that motion, he informed the Court that he would file a supplemental brief updating the Court on the final number of opt-outs and objections no later than December 17, ten days after the deadline for Settlement Class Members to file exclusion requests or objections to the proposed settlement. *Id.* at 7.

Plaintiff now files this supplemental brief to inform the Court that 306 out of 311 Settlement Class Members received notice, representing a 98.4 percent success rate. Supplemental Declaration of Emilio Cofinco ¶¶ 2–4. Moreover, the Settlement Administrator

1 has not received any objections or requests from Settlement Class Members to exclude
2 themselves from the settlement, representing a 100 percent participation rate. *Id.* ¶¶ 5–7.

3 Such an overwhelmingly positive reaction from the Class supports final approval of the
4 settlement reached in this matter. *See Pickett v. Holland Am. Line-Westours, Inc.*, 145 Wn.2d
5 178, 200–01 (2001) (finding a court may infer a class action settlement is fair, adequate, and
6 reasonable when few class members object to it); *see also Fossett v. Brady Corp.*, 2021 WL
7 2273723, at *9 (C.D. Cal. Mar. 23, 2021) (“[T]he absence of a large number of objections to the
8 proposed class action settlement raises a strong presumption that the terms . . . are favorable
9 to the class members.”) (quoting *Nat’l Rural Telecomms. Coop. v. DIRECTV, Inc.*, 221 F.R.D. 523,
10 529 (C.D. Cal. 2004)); *Baker v. SeaWorld Ent., Inc.*, 2020 WL 4260712, at *8 (S.D. Cal. July 24,
11 2020) (absence of many objectors supports settlement as fair, reasonable, and adequate); *In re*
12 *Austrian & German Bank Holocaust Litig.*, 80 F. Supp. 2d 164, 175 (S.D.N.Y. 2000) (“If only a
13 small number of objections are received, that fact can be viewed as indicative of the adequacy
14 of the settlement.”) (citations omitted); *Morgan v. Childtime Childcare, Inc.*, 2020 WL 218515,
15 at *2 (C.D. Cal. Jan. 6, 2020) (“Lack of objection speaks volumes for a positive class reaction to
16 the settlement. The Court thus finds the settlement is fair, reasonable, and adequate.”).

17 For the foregoing reasons and those in his motion, Plaintiff respectfully asks the Court to
18 grant his unopposed motion for final approval of the class action settlement and attorneys’ fees
19 and costs, Dkt. 34.

20 RESPECTFULLY SUBMITTED AND DATED this 17th day of December, 2024.

21 TERRELL MARSHALL LAW GROUP PLLC

22 *I certify that this memorandum contains 398 words,*
23 *in compliance with the Local Civil Rules.*

24 By: /s/ Toby J. Marshall, WSBA #32726
25 Toby J. Marshall, WSBA #32726
26 Email: tmarshall@terrellmarshall.com
27 Eric R. Nusser, WSBA #51513
Email: eric@terrellmarshall.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

936 North 34th Street, Suite 300
Seattle, Washington 98103
Telephone: (206) 816-6603
Facsimile: (206) 319-5450

Douglas Han, WSBA #59429
Email: dhan@justicelawcorp.com
Shunt Tatavos-Gharajeh, WSBA #59424
Email: statavos@justicelawcorp.com
JUSTICE LAW CORPORATION
751 North Fair Oaks Avenue, Suite 101
Pasadena, California 91103
Telephone: (818) 230-7502
Facsimile: (818) 230-7259

Attorneys for Plaintiff

1 **DECLARATION OF SERVICE**

2 I, Toby J. Marshall, hereby certify that on December 17, 2024, I caused true and correct
3 copies of the foregoing to be served via the means indicated below:

4 Breanne Martell, WSBA #39632
5 Email: bsmartell@littler.com
6 Brian Rho, WSBA #51209
7 Email: brho@littler.com
8 Email: cpsaunders@littler.com
9 Email: lnatividad@littler.com
10 LITTLER MENDELSON, P.C.
11 One Union Square
12 600 University Street, Suite 3200
13 Seattle, Washington 98101
14 Telephone: (206) 623-3300
15 Facsimile: (206) 447-6965

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

16 *Attorneys for Defendant*

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

19 DATED this 17th day of December, 2024.

20 By: /s/ Toby J. Marshall, WSBA #32726
21 Toby J. Marshall, WSBA #32726