

Hon. Judith H. Ramseyer
Noted for: May 11, 2023
Without Oral Argument

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

AMY GARCIA, ANTHONY GIBBONS, and
TAYLOR RIELY-GIBBONS, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT OF
LICENSING, an agency of the State of
Washington,

Defendant.

No. 22-2-05635-5 SEA

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT

Plaintiffs, by unopposed motion, have submitted a proposed Class Action Settlement Agreement ("Settlement Agreement") to the Court for review. Having reviewed the Settlement Agreement and Plaintiffs' motion and supporting declarations, the Court FINDS, CONCLUDES, and ORDERS as follows:

1. The Court concludes that the Settlement Agreement is the result of arms-length negotiations between the parties after contested litigation. The Settlement Agreement has no obvious defects and is within the range of possible settlement approval, such that the terms are reasonable and notice to the Class is appropriate. Capitalized terms appearing in this Order have the same meaning as used in the Settlement Agreement.

2. The proposed notices to be mailed to the Class and posted on the internet at a settlement website to be established by the Settlement Administrator, examples of which are

~~PROPOSED~~ ORDER GRANTING UNOPPOSED
MOTION FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT - 1

EMERY | REDDY, PLLC
600 Stewart Street, Suite 1100
Seattle, WA 98101
PHONE: (206) 442-9106 • FAX: (206) 441-9711

1 attached to the Settlement Agreement and are sufficient in detail to provide sufficient notice of
2 the Settlement Agreement to the Settlement Class. The proposed plan of distribution of the notice
3 through mail and email and establishment of a website are likewise sufficient.

4 3. The forms of Notice fairly, plainly, accurately, and reasonably inform Settlement
5 Class members of: (1) appropriate information about the nature of this litigation, the Settlement,
6 the Settlement Class definition, the identity of Class Counsel, and the essential terms of the
7 Settlement; (2) appropriate information about Class Counsel's forthcoming application for
8 attorneys' fees and the proposed incentive award to the Settlement Class Representatives; (3)
9 appropriate information about how to participate in the Settlement; (4) appropriate information
10 about this Court's procedures for final approval of the Settlement, and about Settlement Class
11 Members' right to appear through counsel if they desire; (5) appropriate information about how
12 to challenge or opt-out of the Settlement, if they wish to do so; and (6) appropriate instructions as
13 to how to obtain additional information regarding this litigation and the Settlement. In addition,
14 pursuant to CR 23(c)(2)(B), the Notice informs Settlement Class Members that any Settlement
15 Class Member who fails to opt-out will be prohibited from bringing a lawsuit against Defendant
16 and certain entities related to Defendant based on or related to any of the claims asserted by
17 Plaintiffs.

18 4. The Court finds that the factors of CR 23(a) are satisfied here. The proposed class
19 consists of over 500,000 people, and joinder is therefore impracticable. The claims asserted by
20 the Plaintiffs are both common and typical of the claims of the class members. The Court finds
21 no conflict of interest presented among Class Counsel or Plaintiffs with the Settlement Class. In
22 addition, the Court finds that the factors of CR 23(b) are also satisfied. The Court finds both
23 factual questions and legal issues that are common to the Plaintiffs' claims and the Settlement
24 Class that predominate over any individualized issues. Certification of the Settlement Class for
25 settlement purposes is superior to piecemeal litigation of the Plaintiffs' and Settlement Class
26 Members' claims. The Court therefore certifies as the Settlement Class the following:

1 All individuals whose personal information was compromised in the
2 Data Breach disclosed by the Washington State Department of
3 Licensing in February 2022. The Settlement Class specifically
4 excludes: (i) DOL and its officers and directors; (ii) all Settlement
5 Class Members who timely and validly submit requests for
6 exclusion from the Settlement Class; (iii) any other Person found by
7 a court of competent jurisdiction to be guilty under criminal law of
8 initiating, causing, aiding or abetting the criminal activity
9 occurrence of the Data Breach or who pleads *nolo contendere* to any
10 such charge; and (iv) members of the judiciary to whom this case is
11 assigned, their families, and members of their staff.

12 5. The Court appoints Kim D. Stephens, P.S. and Kaleigh N. Boyd of Tousley Brain
13 Stephens, PLLC; Timothy W. Emery of Emery | Reddy, PLLC; and M. Anderson Berry of Clayeo
14 C. Arnold, A Professional Law Corp. as the Proposed Settlement Class Counsel.

15 6. The Court appoints Amy Garcia, Anthony Gibbons, Taylor Riely-Gibbons, Tony
16 Myhre, and Hansa Thomas as Settlement Class Representatives.

17 7. The Court appoints Kroll Settlement Administration, LLC as the Settlement
18 Administrator in accordance with the terms of the Settlement Agreement, and finds, based on the
19 Declaration of Scott M. Fenwick that Kroll has sufficient knowledge, skill and expertise to
20 effectively distribute the Notice and to handle the administration of claims to be submitted by the
21 Settlement Class. The Settlement Administrator shall distribute Notice to the Settlement Class as
22 provided by the Settlement Agreement.

23 9. Within 10 days of the date of entry of this Order, the Settlement Administrator
24 shall establish a settlement website for the posting of Notice and the Claim Form as provided in
25 the Settlement Agreement. A copy of this Order, the amended complaint, Class Counsel's motion
26 for attorney's fees, and motion for final approval shall also be posted on the settlement website.
27 Additional filings in the case may be posted on the site at the request of one or more of the parties.

10. Within 30 days of the date of entry of this Order, the Settlement Administrator
shall have sent the Notice and Claim Form substantially in the form specified in the Settlement
Agreement.

1 11. Class Counsel shall file their motions for Final Approval and for attorneys' fees,
2 costs, and class representative service awards at least 14 days before the Opt-Out and Objection
3 Deadlines.

4 13. The Final Approval Hearing is scheduled for 9:00 a.m. on Sept. 15, 2023,
5 at the King County Superior Courthouse, 401 4th Avenue N, Courtroom 4B, Kent, Washington
6 98032. Class Counsel and/or Defendant may file a reply to any objections to the Settlement
7 Agreement or opposition to Class Counsel's fee request no later than seven days before the Final
8 Approval Hearing.

9 14. All Notice required by this Order and the Settlement Agreement shall notify
10 the Class of the Objection/Opt-Out Deadline, which shall be the date which is the 60th day
11 after the date the Settlement Administrator has sent Notice.

12 15. All Notice required by this Order and the Settlement Agreement, as well as
13 the Claim Form, shall notify the Class of the Claims Deadline, which shall be a date which
14 is 120 days after the date Notice is sent to the class as specified in paragraph 10 of this Order.
15

16 DATED this _____ day of May, 2023.

17
18 _____
19 The Honorable Judith H. Ramseyer

20 Presented by:

21 /s/ Timothy W. Emery
22 Timothy W. Emery, WSBA No. 34078
23 Patrick B. Reddy, WSBA No. 34092
24 600 Stewart Street, Suite 1100
25 Seattle, WA 98101
26 Phone: (206) 442-9106
27 Fax: (206) 441-9711
Email: emeryt@emeryreddy.com
Email: reddyp@emeryreddy.com

1 M. Anderson Berry*
2 Gregory Haroutunian*
3 **CLAYEO C. ARNOLD, A PROFESSIONAL LAW CORP.**
4 865 Howe Avenue
5 Sacramento, CA 95825
6 Phone: (916) 777-7777
7 Fax: (916) 924-1829
8 Email: aberry@justice4you.com
9 gharoutunian@justice4you.com
10 *pro hac vice application forthcoming

11 Kim D. Stephens, WSBA No. 11984
12 Kaleigh N. Boyd, WSBA No. 52684
13 **TOUSLEY BRAIN STEPHENS PLLC**
14 1200 Fifth Avenue, Suite 1700
15 Seattle, WA 98101
16 Phone: (206) 682-5600
17 Fax: (206) 682-2992
18 Email: kstephens@tousley.com
19 Email: cjordan@tousley.com
20 Email: kboyd@tousley.com

21 *Attorneys for Plaintiffs*

King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-2-05635-5
Case Title: GARCIA VS WASHINGTON STATE OF LICENSING
Document Title: ORDER RE PRELIMINARY CLASS APPROVAL
Signed By: Judith H. Ramseyer
Date: May 11, 2023



Judge: Judith H. Ramseyer

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 08B04919A6905EC38077251FA81017A01DA60A76
Certificate effective date: 7/16/2018 2:34:55 PM
Certificate expiry date: 7/16/2023 2:34:55 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Judith Ramseyer:
BBvO7QrS5hGe+MT2AFk6yQ=="