

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUMAPILI IKUSEGHAN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MULTICARE HEALTH SYSTEM, a
Washington nonprofit corporation

Defendant.

NO. 3:14-cv-05539-BHS

**ORDER GRANTING STIPULATED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

The parties by stipulated motion have submitted a proposed Class Action Settlement Agreement (“Settlement Agreement”) to the Court for review. Having reviewed the Settlement Agreement and the parties’ stipulated motion and supporting declaration, 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 eighteen months of contested litigation. The Settlement Agreement has no obvious defects and is within the range of possible settlement approval, such that 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 www.multicarerobocallsettlement.com, examples of which are attached to the Settlement

1 Agreement as Exhibits B-D are sufficient in detail to provide sufficient notice of the Settlement
2 Agreement to the Class. The proposed plan of distribution of the notice through mail and
3 establishment of a website are likewise sufficient.

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

17 4. The Court appoints A.B. Data as the Settlement Administrator in accordance
18 with the terms of the Settlement Agreement, and finds, based on the previously filed
19 Declaration of Anya Verkhovskaya (Dkt #31) that A.B. Data has sufficient knowledge, skill
20 and expertise to effectively distribute the Notice and to handle the administration of claims to
21 be submitted by the Class. The Settlement Administrator shall distribute Notice to the Class as
22 provided by the Settlement Agreement.

23 5. Within 5 days of the date of entry of this Order, the Settlement Administrator
24 shall establish the settlement website www.multicarerobocallsettlement.com for the posting of
25 Notice and the Claim Form as provided in the Settlement Agreement. A copy of this Order, the
26 complaint, Class Counsel's motion for attorney's fees, and motion for final approval shall also
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1 be posted on the settlement website. Additional filings in the case may be posted on the site at
2 the request of one or more of the parties.

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

6 7. Class Counsel shall file their motion for attorney fees, costs, and class
7 representative incentive award within 30 days of the date of entry of this Order.

8 8. Within 30 days of the date of entry of this Order, Class Counsel shall file a
9 motion for entry of Final Judgment approving the Settlement Agreement and determining the
10 Fee Award and any incentive award to the Class Representative.

11 9. The Final Approval Hearing is scheduled for 1:30 PM on July 25, 2016, at the
12 United States District Courthouse, 1717 Pacific Avenue, Courtroom E, Tacoma, Washington.
13 Class Counsel may file any reply to any objections to the Settlement Agreement or opposition
14 to Class Counsel's fee request no later than seven days before the Final Approval Hearing.

15 10. **All Notice required by this Order and the Settlement Agreement shall**
16 **notify the Class of the Objection/Exclusion Deadline, which shall be the date which is the**
17 **60th day after the date of entry of this Order.**

18 11. **All Notice required by this Order and the Settlement Agreement, as well as**
19 **the Claim Form, shall notify the Class of the Claims Deadline, which shall be a date which**
20 **is 30 days after the date of the Final Approval Hearing specified in paragraph 9 of this**
21 **Order.**

22 DATED this 17th day of February, 2016.

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25 **BENJAMIN H. SETTLE**
26 United States District Judge
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