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

SARAH ARMON, ABHI SHETH, LONDON THURMAN, and DALE DEAN, individually and on behalf of all others similarly situated, JANE AND JOHN DOES 1-10, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

WASHINGTON STATE UNIVERSITY,

Defendant.

No. 17-2-23244-1 SEA (consolidated with Case No. 17-2-25052-0 SEA)

**ORDER GRANTING
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 twenty months of 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.

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1 2. The proposed notices to be mailed to the Class and posted on the internet at
2 www.WSUSettlement.com, examples of which are attached to the Settlement Agreement and are
3 sufficient in detail to provide sufficient notice of the Settlement Agreement to the Class. The
4 proposed plan of distribution of the notice through mail and establishment of a website are
5 likewise sufficient.

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

19 4. The Court finds that the factors of CR 23(a) are satisfied here. The proposed class
20 consists of over 1 million people, and joinder is therefore impracticable. The claims asserted by
21 the Plaintiffs are both common and typical of the claims of the class members. The Court finds
22 no conflict of interest presented among Class Counsel or Plaintiffs with the Class. In addition,
23 the Court finds that the factors of CR 23(b) are also satisfied. The Court finds both factual
24 questions and legal issues that are common to the Plaintiffs' claims and the Class which
25 predominate over any individualized issues. Certification of the Class for settlement purposes is
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1 superior to piecemeal litigation of the Plaintiffs' and Class members' claims. The Court therefore
2 certifies as the Settlement Class the following:

3 All individuals whose personal information (including but not
4 limited to social security numbers), financial information, and/or
5 educational records were on the WSU Social & Economic
6 Sciences Research Center's hard drive stolen in April 2017 from
Quality Self Storage in Olympia, Washington.

7 The Settlement Class is limited to those individuals who were included on the original list for
8 mailing the written Summary Notice, as defined in ¶ 3.2(d) of the Settlement Agreement.

9 5. The Court appoints Michael K. Rhodes of Mix Sanders Thompson PLLC; Kim
10 D. Stephens and James Bulthuis of Tousley Brain Stephens PLLC; Rachel R. Bender of Bender
11 Law, PLLC; and Tina Wolfson of Ahdoot & Wolfson, PC, as the Proposed Settlement Class
12 Counsel.
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14 6. The Court appoints Sarah Armon, Abhi Sheth, Landon Thurman and Dale Dean
15 as Settlement Class Representatives.

16 7. The Court appoints Epiq as the Settlement Administrator in accordance with the
17 terms of the Settlement Agreement, and finds, based on the Declaration of Cam Azari that Epiq
18 has sufficient knowledge, skill and expertise to effectively distribute the Notice and to handle the
19 administration of claims to be submitted by the Class. The Settlement Administrator shall
20 distribute Notice to the Class as provided by the Settlement Agreement. The Court appoints Cam
21 Azari as Notice Specialist.

22 8. The Court appoints the Honorable Bruce Hilyer (Ret.) to serve as Class Referee.

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

3 10. 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 11. Class Counsel shall file their motion for attorney fees, costs, and class
7 representative incentive award within 160 days of the date of entry of this Order.

8 12. Within 160 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 13. The Final Approval Hearing is scheduled for 9:00 a.m on Oct. 25,
12 2019, at the King County Superior Courthouse, 516 Third Avenue, Courtroom W-864, Seattle,
13 Washington. Class Counsel and/or WSU may file a reply to any objections to the Settlement
14 Agreement or opposition to Class Counsel's fee request no later than seven days before the Final
15 Approval Hearing.

16 14. All Notice required by this Order and the Settlement Agreement shall notify
17 the Class of the Objection/Exclusion Deadline, which shall be the date which is the 90th day
18 after the date the Settlement Administrator has sent Notice.

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

23 DATED this 18 day of April, 2019.

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25 _____
26 The Honorable Laura Inveen
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