

## The Honorable John R. Hickman

## SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN DOLAN and a class of similarly situated individuals,	) NO. 06-2-04611-6
Plaintiffs,	)
v.  KING COUNTY, a political subdivision of the State of Washington,	ORDER PRELIMINARILY APPROVING SETTLEMENT AGREEMENT ORDER PRELIMINARILY
Defendant.	)
	_) .

Having considered the parties' joint motion for preliminary approval of the class action Settlement Agreement, the proposed notice of settlement, the Settlement Agreement, and the procedures for giving notice, the Court orders as follows:

- 1. **Proposed Settlement.** Upon preliminary review, the proposed settlement between the defendant King County and the named plaintiff Kevin Dolan and the class is a sufficient, fair, and reasonable compromise.
- 2. <u>Notice of Settlement</u>. The Court approves the proposed Notice of Settlement (hereafter Notice) attached as Exhibit A to this Order, with the dates provided in this Order. Giving notice of the settlement to the class members substantially in compliance with paragraph 3 below will be sufficient to constitute the most effective and practical notice and meet the requirements of due process and CR 23(e) with respect to all members of the class.

3. <u>Method to Give Notice</u> . The Court finds that: (1) providing the Notice and this
Order by electronic mail to their work email addresses for Class Members currently employed
by one of the four King County Public Defense Agencies; (2) transmission of the Notice and
this Order by electronic mail to other Class Members who provided their email address to Class
Counsel; (3) transmission of the Notice and this Order by first class mail to their last known
address for Class Members no longer employed by one of the King County Public Defense
Agencies who may be identified with reasonable effort and who have not provided their
electronic mail address to Class Counsel; (4) providing the Department of Retirement Systems
(DRS) with a copy of the Notice, this Order, and the Settlement Agreement; (5) publicity about
the settlement, including publicity about the King County Council's consideration and approva
of the settlement; and (6) posting the Notice, this Order and the Settlement Agreement on King
County's internet website and Class Counsel's internet website will satisfy the requirements of
CR 23 and due process.

4. The Class definition is clarified for settlement purposes in the Settlement Agreement. The Class is defined as follows (Settlement Agreement, ¶ 51):

All W-2 employees of the King County public defense agencies and any former or predecessor King County public defense agencies who work or who have worked for one of the King County public defense agencies within three years of the filing of this lawsuit;

and

All W-2 employees of the King County public defense agencies and any former or predecessor King County public defense agencies who have not worked for one of the King County public defense agencies within three years of the filing of this lawsuit, but who work or have worked in a PERS-eligible position within three years of the filing of this lawsuit.

The Class does not include W-2 King County public defense employees who were never in a PERS-eligible position, *e.g.*, student interns.

5. <u>Class Representative's Award and Attorney Fees.</u> On preliminary review, Class Counsel's percentage-based common fund fee is within the range of reasonableness

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based on the common fund set forth in the Settlement Agreement. On preliminary review, the class representative award to the named plaintiff is within the range of reasonableness.

- 6. **Final Approval Hearing**. A hearing shall be held in the Courtroom of the Honorable John R. Hickman, Superior Court Judge, Department 22, in Room 202A, Pierce County Courthouse, County-City Building, 930 Tacoma Avenue S., Tacoma, Washington 98402, at 1:30 p.m., on June 7, 2013, to consider whether the settlement should be given final approval.
- (a) Objections by Class Members to the proposed settlement or statements in support of the settlement will only be considered if filed in writing with the Clerk of the Court and delivered to the parties' attorneys on or before April 26, 2013. Failure to timely file and deliver the objection is a waiver of the objection. Any Class Member wishing to appear at the settlement hearing to comment on or to object to the Settlement shall so specify in his or her written comment or objection.
- (b) If DRS wishes to submit a statement or objection on the matters in ¶ 59 of the Settlement Agreement, it must file its statement or objection in writing with the Clerk of the Court and deliver it to the parties' attorney on or before April 26, 2013. If DRS wishes to appear at the settlement hearing it shall so specify in its written statement or objection.
- (c) Counsel for the parties may conduct discovery on an expedited basis as needed to respond to statements in support or to any objections by Class Members or DRS. The parties' responses to such statements or objections will be filed by May 31, 2013. Counsel should be prepared at the final approval hearing to respond to the objections timely filed by Class Members or to the statement or objection by DRS, if it chooses to make a statement or objection, and to provide other information, as appropriate, bearing on whether or not the settlement, should be approved.

(d) Prior to the Effective Date, all proceedings in this lawsuit will be stayed except those relating or necessary to the approval, implementing, interpreting and enforcing the Settlement Agreement.

## 7. Notice.

- (a) Class Counsel by April 3, 2013 should give notice substantially as provided in paragraph 3 of this Order.
- (b) King County should post the Settlement Agreement, the Notice, and this Order on its internet website by April 3, 2013.
- (c) Class Counsel should post the Settlement Agreement, the Notice, and this Order on the law firm's website by April 3, 2013.
- (d) King County should, by April 3, 2013, provide DRS with a copy of the Settlement Agreement, the Notice, and this Order.
- (e) King County should, by April 3, 2013, provide a copy of this Settlement Agreement and the Class Notice to the executive directors of the King County public defense agencies for them to distribute to the currently employed Class Members and to SEIU, Local 925.
- 8. Class Counsel and King County should file with the Clerk of the Court (with a copy to each party's attorneys) by April 5, 2013, declarations describing the steps taken to substantially comply with the notice procedures set forth in this Order.

DATED this 29th day of March, 2013.

he Honorable John R. Hickman Superior Court Judge

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