

The Honorable Gretchen Leanderson

8/8/2023 4381

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

AURORA T. DAGUPION, JARQUATTA DELOSSANTOS, and PATRICIA ANN FRAIDENBURG FKA PATRICIA ANN CADOR, individually and on behalf of all those similarly situated,

Plaintiff,

vs.

WILLAMETTE DENTAL GROUP, P.C., a foreign professional services corporation

Defendant.

No. 22-2-05001-8

~~PROPOSED~~ ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT, AUTHORIZING NOTICE, AND SETTING FINAL FAIRNESS HEARING

(CLERK'S ACTION REQUIRED)

This matter came before the Court on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement ("Plaintiffs' Motion"). In conjunction with Plaintiffs' Motion, Plaintiff has filed a copy of the Parties' signed Class Action Settlement Agreement and Release of Claims (the "Settlement Agreement"), attached as Exhibit 1 to the Declaration of James B. Pizl in support of Plaintiffs' Motion.

WHEREAS, the Court has considered Plaintiffs' Motion, the Parties' signed Settlement Agreement, and all of the other pleadings, papers, and filings herein;

WHEREAS, as used herein, all terms defined in the Parties' Settlement Agreement shall have the same meaning here; and

1 WHEREAS good cause appearing that the Parties' Settlement Agreement is within the
2 range of reasonableness and is presumptively valid,

3 1. The Court approves the proposed form and content of the Notice of Proposed
4 Settlement of Class Action ("Class Notice") that is attached as Exhibit C of Exhibit 1 to the
5 Declaration of James B. Pizl.

6 2. The Court hereby appoints CPT Group Class Action Administrators as Settlement
7 Administrator responsible for establishing a Qualified Settlement Fund ("QSF") pursuant to IRC
8 § 468B(g), mailing and/or emailing Class Notices and settlement awards to Settlement Class
9 Members, processing and filing all appropriate tax forms and documents including but not limited
10 to W2s, 1099s, 1120-SF, etc.

11 3. Consistent with the terms of the Settlement Agreement, the Settlement
12 Administrator is hereby directed to email and mail, or cause to be mailed, by first-class mail, a
13 copy of the Class Notice to each Settlement Class Member no later than thirty (30) calendar days
14 following the date of this Order.

15 4. Pursuant to CR 23, the Court hereby finds and concludes that the form and manner
16 of giving notice by mailing a Class Notice to each individual Settlement Class Member, as required
17 by the Settlement Agreement and by this Order, is the best notice practicable under the
18 circumstances. Said notice procedures fully satisfy the requirements of CR 23(c)(2) and CR 23(e)
19 and the requirements of due process.

20 5. The Court conditionally approves Class Counsel's request for an attorneys' fees
21 award of \$1,140,000.00 or 30% of the gross Settlement Fund, plus actual and projected litigation
22 costs of \$25,000.00. This approval is preliminary and is subject to modification at the time of final
23 settlement approval upon a showing of appropriate cause.

24 6. The Court preliminarily approves up to \$12,000 to be paid from the settlement fund
25 to compensate CPT Group Class Action Administrators for its services provided in the
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1 administration of the settlement. This approval is preliminary and is subject to modification at the
2 time of final settlement approval upon a showing of appropriate cause.

3 7. The Court preliminarily approves an award of an incentive payment of \$12,000
4 each to Aurora Dagupion, Jarquatta DelosSantos, and Patricia Fraidenburg in recognition of their
5 role in this case and service to the Settlement Class. This approval is preliminary and is subject to
6 modification at the time of final settlement approval.

7 8. On December 1, at 9:00 a.m., a Final Settlement Approval Hearing shall be held
8 before the Honorable Gretchen Leanderson at the Pierce County Superior Court in Tacoma,
9 Washington, to determine whether the Court should approve the fairness, adequacy, and
10 reasonableness of the terms and conditions of the Settlement Agreement and whether the Court
11 should enter the Parties' proposed Final Order and Judgment.

12 9. Pursuant to Pierce County Local Court Rules, Plaintiffs shall file memoranda or
13 other papers they may wish to submit in support of the proposed Settlement Agreement no later
14 than seven (7) court days before the Final Settlement Approval Hearing. The memoranda shall
15 confirm that the mailing of the Class Notice was completed in accordance with the requirements
16 of this Order and provide information concerning any objections received. A draft copy of these
17 pleadings shall be provided to Defendant before filing.

18 10. Any Class Member may enter an appearance through counsel of such Settlement
19 Class Member's own choosing and at such Settlement Class Member's own expense. Any
20 Settlement Class Member who does not personally appear or otherwise enter an appearance at the
21 Final Settlement Approval Hearing shall be deemed to be represented by Class Counsel in this
22 litigation as provided above.

23 11. Any Class Member may submit written objections to the Settlement Agreement by
24 mailing to the Settlement Administrator, at the addresses provided in the Settlement Notice, a
25 written statement containing the Settlement Class Member's name, current address, and the
26 substance of his or her objection (including any briefs and supporting papers) no later than 45 days

1 after the date of mailing of the Class Notice. Any Settlement Class Member who presents written
2 objections in the manner prescribed above may also appear personally or through counsel at the
3 Final Settlement Approval Hearing to express the Settlement Class Member's views regarding the
4 Settlement Agreement. Only Settlement Class Members who object to the Settlement Agreement
5 in writing, in person, or by appearance through counsel, in accordance with the procedures set
6 forth in this Order, shall be permitted to appeal or otherwise seek review of this Court's decision
7 approving or rejecting the Settlement Agreement. Failure to follow the procedures for objecting
8 set forth herein shall constitute a waiver of a Settlement Class Member's right to object to the
9 Settlement Agreement.

10 12. Pending this Court's ruling on final approval of the Settlement Agreement, the
11 Named Plaintiffs and all Class Members are enjoined from filing or prosecuting any claims, suits
12 or administrative proceedings regarding claims released in the Settlement Agreement, unless and
13 until the Court's final settlement approval hearing. As detailed in the Settlement, the released
14 claims specifically include any claims arising out of any alleged missed, interrupted, shortened,
15 untimely, unpaid, and/or non-compliant rest breaks and/or meal periods, and any attendant claims
16 for unpaid wages, overtime payments, premium payments, interest, exemplary damages, and
17 attorney's fees and costs relating to any of the foregoing.

18 13. The Final Settlement Approval Hearing, and all dates provided for herein, may,
19 without further notice to the Settlement Class, be continued or adjourned by order of this Court.

20 14. Consistent with the Settlement Agreement, neither this Order, nor the fact or
21 substance of the Settlement Agreement, shall be considered a concession or admission, nor shall
22 they be used as evidence in any proceeding for the purpose of establishing Defendant's liability or
23 wrongdoing.

24 15. In the event the Settlement Agreement does not become effective in accordance
25 with the terms of the Settlement Agreement, or the Settlement Agreement is not finally approved,
26 or the Settlement Agreement is terminated, canceled, or fails to become effective for any reason,

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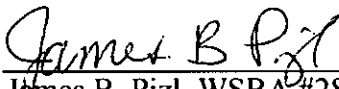
1 this Order shall be vacated and rendered null and void, and all claims and defenses previously
2 asserted by the Parties shall be reinstated and the Court shall enter further appropriate orders
3 governing the proceedings and establishing a revised case schedule in this matter.

4 IT IS SO ORDERED this 4th day of August, 2023

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7 The Honorable Gretchen Leanderson
8 Judge, Pierce County Superior Court

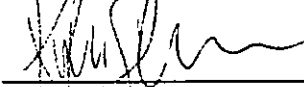
9 Presented by:

10 ENTENTE LAW PLLC

11 

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