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The Honorable John R. Hickman

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN DOLAN and a class of similarly situated individuals,  
  
Plaintiffs,  
  
v.  
  
KING COUNTY, a political subdivision of the State of Washington,  
  
Defendant.

NO. 06-2-04611-6

**ORDER PRELIMINARILY APPROVING SETTLEMENT AGREEMENT**

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. **Notice of Settlement.** 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.

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

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

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

21   and

22                   All W-2 employees of the King County public defense agencies  
23                   and any former or predecessor King County public defense  
24                   agencies who have not worked for one of the King County public  
25                   defense agencies within three years of the filing of this lawsuit, but  
26                   who work or have worked in a PERS-eligible position within three  
27                   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.     Class Representative's Award and Attorney Fees. On preliminary review,  
Class Counsel’s percentage-based common fund fee is within the range of reasonableness

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

3 6. **Final Approval Hearing.** A hearing shall be held in the Courtroom of the  
4 Honorable John R. Hickman, Superior Court Judge, Department 22, in Room 202A, Pierce  
5 County Courthouse, County-City Building, 930 Tacoma Avenue S., Tacoma, Washington  
6 98402, at 1:30 p.m., on June 7, 2013, to consider whether the settlement should be given final  
7 approval.

8 (a) Objections by Class Members to the proposed settlement or statements in  
9 support of the settlement will only be considered if filed in writing with the Clerk of the Court  
10 and delivered to the parties' attorneys on or before April 26, 2013. Failure to timely file and  
11 deliver the objection is a waiver of the objection. Any Class Member wishing to appear at the  
12 settlement hearing to comment on or to object to the Settlement shall so specify in his or her  
13 written comment or objection.

14 (b) If DRS wishes to submit a statement or objection on the matters in ¶ 59  
15 of the Settlement Agreement, it must file its statement or objection in writing with the Clerk of  
16 the Court and deliver it to the parties' attorney on or before April 26, 2013. If DRS wishes to  
17 appear at the settlement hearing it shall so specify in its written statement or objection.

18 (c) Counsel for the parties may conduct discovery on an expedited basis as  
19 needed to respond to statements in support or to any objections by Class Members or DRS.  
20 The parties' responses to such statements or objections will be filed by May 31, 2013. Counsel  
21 should be prepared at the final approval hearing to respond to the objections timely filed by  
22 Class Members or to the statement or objection by DRS, if it chooses to make a statement or  
23 objection, and to provide other information, as appropriate, bearing on whether or not the  
24 settlement, should be approved.

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

4 7. Notice.

5 (a) Class Counsel by April 3, 2013 should give notice substantially as  
6 provided in paragraph 3 of this Order.

7 (b) King County should post the Settlement Agreement, the Notice, and this  
8 Order on its internet website by April 3, 2013.

9 (c) Class Counsel should post the Settlement Agreement, the Notice, and  
10 this Order on the law firm's website by April 3, 2013.

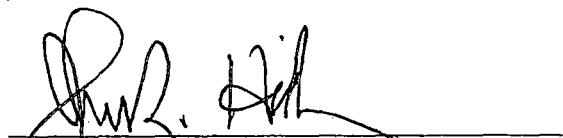
11 (d) King County should, by April 3, 2013, provide DRS with a copy of the  
12 Settlement Agreement, the Notice, and this Order.

13 (e) King County should, by April 3, 2013, provide a copy of this Settlement  
14 Agreement and the Class Notice to the executive directors of the King County public defense  
15 agencies for them to distribute to the currently employed Class Members and to SEIU, Local  
16 925.

17 8. Class Counsel and King County should file with the Clerk of the Court (with a  
18 copy to each party's attorneys) by April 5, 2013, declarations describing the steps taken to  
19 substantially comply with the notice procedures set forth in this Order.

20 DATED this 29th day of March, 2013.



  
The Honorable John R. Hickman  
Superior Court Judge