

Hon. Angela Williams  
Noted for: October 18, 2024 at 9:00 AM  
Without Oral Argument

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

SALLY MCAULEY, et al., individually and  
on behalf of all others similarly situated

No. 23-2-11064-7

Plaintiffs,

~~PROPOSED~~ ORDER GRANTING  
PLAINTIFFS' UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS SETTLEMENT

v.

PIERCE COLLEGE DISTRICT,

Defendant.

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 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.

2. The proposed notices, examples of which are attached to the Settlement agreement, are to be mailed to the Class and posted on the internet at a settlement website. They are sufficient in detail to provide sufficient notice of the Settlement Agreement to the Settlement

10/25/2024 1787 0105

1 Class. The proposed plan of distribution of the notice through mail and email and establishment  
2 of a website are likewise sufficient.

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

17 4. The Court finds that the factors of CR 23(a) are satisfied here. The proposed class  
18 consists of over 160,000 people, and joinder is therefore impracticable. The claims asserted by  
19 the Plaintiffs are both common and typical of the claims of the class members. The Court finds  
20 no conflict of interest presented among Class Counsel or Plaintiffs with the Settlement Class. In  
21 addition, the Court finds that the factors of CR 23(b) are also satisfied. The Court finds both  
22 factual questions and legal issues that are common to the Plaintiffs’ claims and the Settlement  
23 Class that predominate over any individualized issues. Certification of the Settlement Class for  
24 settlement purposes is superior to piecemeal litigation of the Plaintiffs’ and Settlement Class  
25 Members’ claims. The Court therefore certifies as the Settlement Class the following:

26 All individuals residing in the United States to whom Defendant or  
27 its authorized representatives sent a notice concerning the July  
2023 Data Security Incident announced by Defendant. Class

Members specifically exclude all persons who are directors or officers of Pierce College, the Judge signed to the Action, and the Judge's immediate family and Court staff.

5. The Court appoints Timothy W. Emery of Emery Reddy, PLLC; Kaleigh N. Boyd of Tousley Brain Stephens, PLLC; M. Anderson Berry of Clayeo C. Arnold, A Professional Law Corp.; Daniel Srourian of the Srourian Law Firm, P.C.; and Tyler J. Bean of Siri & Glimstad LLP as the Proposed Settlement Class Counsel.

6. The Court appoints Sally McAuley, Amber Cooper, Alex Neigel, April Perez, Logan Knapp, James Mikita, Robby Luthy, Peter Clement, Mercedes Freund, Dale Jarrell, Ben McAuley, Karlee Pangis, Ray Shepherd, Jessica Hogan, Aman Centers, Jessica Bodas, and Dennis Liberatore as Settlement Class Representatives.

7. The Court appoints CPT Group, Inc. ("CPT") as the Settlement Administrator in accordance with the terms of the Settlement Agreement, and finds, based on the Declaration of Julie Green that CPT has sufficient knowledge, skill and expertise to effectively distribute the Notice and to handle the administration of claims to be submitted by the Settlement Class. The Settlement Administrator shall distribute Notice to the Settlement Class as provided by the Settlement Agreement.

9. Within 14 days of the date of entry of this Order, the Settlement Administrator shall establish a settlement website for the posting of Notice and the Claim Form as provided in the Settlement Agreement. A copy of this Order, the operative complaint, the Settlement Agreement, notices, the claim form, Class Counsel's motion for attorney's fees (after it is filed), and motion for final approval (after it is filed) shall also be posted on the settlement website. Additional filings in the case may be posted on the site at the request of one or more of the parties.

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

1 11. Class Counsel shall file their motions for Final Approval and for attorneys' fees,  
2 costs, and class representative service awards at least 14 days before the Opt-Out and Objection  
3 Deadlines.

4 13. The Final Approval Hearing is scheduled for 2/21/25am on 9:00,  
5 2024, at the Pierce County Superior Court House , 930 Tacoma Ave S, #334, Courtroom XXX,  
6 Tacoma, Washington 98402. Class Counsel and/or Defendant may file a reply to any objections  
7 to the Settlement Agreement or opposition to Class Counsel's fee request no later than seven  
8 days before the Final Approval Hearing.

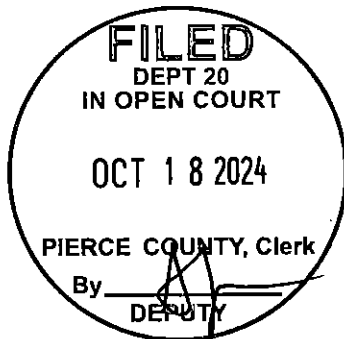
9 14. All Notice required by this Order and the Settlement Agreement shall notify  
10 the Class of the Objection/Opt-Out Deadline, which shall be the date which is the 60th day  
11 after the date the Settlement Administrator has sent Notice.

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

16 DATED this 18 day of October, 2024.

17 ANGELICA WILLIAMS

18   
19 The Honorable Angelica Williams



20 Presented by:

21 /s/ Timothy W. Emery  
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