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U.S. DISTRICT COURT

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THE HONORABLE DEAN S. LUM
SUPERIOR COURT

THE HONORABLE DEAN S. LUM
Department 12

Noted for Consideration: Wednesday, September 4, 2013
Without Oral Argument

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

MARKELETTA WILSON, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

RENTGROW, INC., a Delaware corporation;
YARDI SYSTEMS, INC., a California
corporation,

Defendants.

NO. 13-2-15514-1 SEA

~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF
SETTLEMENT AND PROVIDING
FOR NOTICE

This case comes before the Court on the Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion"). The Court has reviewed the Motion and the supporting documents, and finds that the Motion should be granted under Washington Civil Rule 23(e). Now, therefore, the Court ORDERS:

1. The Court GRANTS the motion for preliminary approval of the class settlement.

~~PROPOSED~~ ORDER GRANTING PRELIMINARY
APPROVAL OF SETTLEMENT AND PROVIDING FOR
NOTICE - 1

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1 2. The Court preliminarily certifies, for settlement purposes only, the following
2 Settlement Class under Rule 23(a) and 23(b)(2): All Washington consumers who were the
3 subject of a consumer report issued by Defendants between April 3, 2011 and August 14, 2013
4 that included a record of the consumer's arrest, indictment, or conviction for an adult crime
5 that, from the date of disposition, release, or parole, antedated the report by more than seven
6 years, except those persons who opt out of the Class as of the exclusion deadline set by the
7 Court.

8 3. The Court preliminary finds, for the purposes of settlement only, that the
9 requirements of Rule 23 are met. Joinder of all members of the class would be impractical
10 because of their numbers and dispersion. Common issues exist among all class members and
11 all prospective relief inures to the benefit of the Settlement Class as a whole. Monetary
12 recovery of a fixed amount of statutory damages is incidental to declaratory and injunctive
13 relief. The claims of the representative party are typical of those of the class and the
14 representative party will fairly and adequately represent the interests of the class.

15 4. The Court tentatively finds, under CR 23(e), that the proposed Settlement
16 Agreement attached as Exhibit 1 to the Motion for Preliminary Approval is fair, reasonable,
17 and adequate. There is no evidence at this stage of any fraud, collusion, or overreaching by the
18 parties or that the rights of absent class members were disregarded. Class Counsel has
19 sufficient experience in similar litigation to propose this settlement.

20 5. The Court appoints Markeletta Wilson to serve as Class Representative.

21 6. The Court appoints Terrell Marshall Daudt & Willie, PLLC and the American
22 Civil Liberties Union of Washington Foundation to serve as Class Counsel.

23 7. The Court approves, as to form and content, the Notice of Proposed Settlement
24 of Class Action (the "Notice"). The Court finds that the plan mailing and distribution of the
25 Notice set forth in ¶ 6 of the Settlement Agreement meets the requirements of Civil Rule 23
26

1 and due process, is the best notice practicable under the circumstances, and shall constitute
2 sufficient notice to all persons entitled to notice.

3 8. The firm of Terrell Marshall Daudt & Willie is hereby appointed to serve as the
4 class action settlement administrator ("Settlement Administrator"). The Court directs the
5 Settlement Administrator to use reasonable efforts to identify and provide notice to members of
6 the Settlement Class, as described in ¶ 6 of the Settlement Agreement.

7 9. A final approval hearing shall be held before this court at 9:00 a.m., on
8 Friday, December 13th, 2013, in Courtroom E-713 at King County Superior Court,
9 516 Third Avenue, Seattle Washington, 98104. At the hearing, the Court will consider: (a)
10 whether the settlement should be approved as fair, reasonable, and adequate for the class; (b)
11 whether a judgment granting approval of the settlement and dismissing the lawsuit with
12 prejudice should be entered; (c) whether Plaintiff's application for an award of attorney's fees
13 and expenses to class Counsel and a service award to the named Plaintiff should be granted.

14 10. Any Settlement Class member shall have the right to opt out of the class and the
15 settlement by sending a written request for exclusion form the class to the addresses listed in
16 the Notice, no later than 30 days from the date of initial mailing.

17 11. Any member of the Settlement Class who intends to object to final approval of
18 the Settlement Agreement must file a written objection within 30 days of initial mailing to the
19 court and counsel for the parties. The objection should state the basis of the objection and must
20 state whether the objecting class member intends to appear at the hearing.

21 12. The Parties shall submit any responses to objections no later than forty-five (45)
22 calendar days after the date of initial mailing.

23 13. Pending the hearing, all proceedings in this action, other than proceedings
24 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
25 Order, are stayed.

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1 IT IS SO ORDERED.

2 DATED THIS 6 day of September, 2013.

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6 JUDGE/COURT COMMISSIONER

7 Presented by:

8 TERRELL MARSHALL DAUDT & WILLIE PLLC

9
10 By: /s/ Toby J. Marshall, WSBA #32726

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