

THE HONORABLE SAMUEL CHUNG
Department 15
Noted for Hearing: February 20, 2015 at 10:00 AM
With Oral Argument

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

KATHLEEN WILKES, on her own behalf and
on the behalf of all others similarly situated,

Plaintiff,

v.

NEWSVINE, INC., a Washington corporation,

Defendant.

NO. 13-2-20979-9 SEA

~~PROPOSED~~ ORDER GRANTING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

The Plaintiff's Unopposed Motion for an Order Granting Final Approval of Class Action Settlement came before this Court, on February 20, 2015. The above captioned Action is a class action lawsuit brought by Plaintiff Kathleen Wilkes ("Plaintiff") against Newsvine, Inc. ("Newsvine") (collectively the "Parties"). Plaintiff alleges that Newsvine failed to make advertising revenue and referral earnings payments to a purported class of users of the Newsvine website, thereby breaching the Newsvine User Agreement and violating the Washington Consumer Protection Act. Newsvine denies any and all wrongdoing, and denies any liability to the Plaintiff or to members of the putative class.

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT - 1
CASE NO. 13-2-20979-9 SEA

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On May 29, 2014, this Court entered an Order Granting Preliminary Approval of Settlement, resulting in certification of the following provisional Settlement Class:

All persons who are or were registered users of the Newsvine website (i) whose accounts were not terminated by Newsvine or deleted by the user before November 1, 2012, (ii) who visited the Newsvine site while logged in at least once after November 1, 2011, and (iii) who had unpaid User Earnings and/or Referral Earnings (as those terms were defined in the Newsvine User agreement in effect on December 31, 2012) in their Newsvine accounts as of February 6, 2013.

The Plaintiff Settlement Class does not include Newsvine, any entity that has a controlling interest in Newsvine, and Newsvine's current or former directors, officers, counsel, and their immediate families. The Plaintiff Settlement Class also does not include any persons who validly request exclusion from the Class.

That Order further directed the Parties to provide Notice to the Class, which informed absent class members of: (a) the proposed Settlement, and the Settlement's key terms; (b) the date, time, and location of the Final Approval Hearing; (c) the right of any Class Member to object to the proposed Settlement, and an explanation of the procedures to exercise that right; (d) the right of any Class Member to exclude themselves from the proposed Settlement, and an explanation of the procedures to exercise that right; and (e) an explanation of the procedures for class members to participate in the proposed Settlement.

The Court, upon Notice having been given as required in the Preliminary Approval Order, and having considered the proposed Settlement Agreement, attached thereto as **Exhibit 1**, as well as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

1. This Court has jurisdiction over the subject matter of the Action and over all Parties to the Action, including all members of the Settlement Class.
2. This Court confirms the proposed Settlement Class satisfies the requirements of Civil Rule 23, as found in the Court's Order Granting Preliminary Approval of Class Action Settlement, and finds that the Settlement Class is properly certified as a class for settlement

purposes only.

3. The Notice provided to the Settlement Class conforms with the requirements of CR 23, the Washington and United States Constitutions, and any other applicable law, and constitutes the best notice practicable under the circumstances, by providing individual notice to all Class Members who could be identified through reasonable effort, and by providing due and adequate notice of the proceedings and of the matters set forth therein to the other Class Members. The notice fully satisfied the requirements of due process.

4. The Court finds the Settlement was entered into in good faith as the result of arm's-length negotiations between experienced attorneys, that the Settlement is fair, reasonable, and adequate, and that the Settlement satisfies the standards and applicable requirements for final approval of this class action Settlement under Washington law, including the provisions of CR 23.

5. No Class Members have objected to the terms of the Settlement or excluded themselves from the Settlement.

6. Upon entry of this Order, compensation to the participating members of the Settlement Class shall be effected pursuant to the terms of the Settlement Agreement.

7. In addition to any recovery that Plaintiff may receive under the Settlement, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court hereby approves the payment of a service award to the Plaintiff, in the amount of \$ 500.00.

8. The Court approves the payment of attorneys' fees, costs, and expenses to Class Counsel in the sum of \$ 20,000.00. The attorneys' fees and costs award shall be distributed to Class Counsel in accordance with the terms of the Settlement Agreement.

Upon the date on which this order is entered (the "Effective Date"), the Plaintiff and all members of the Settlement Class, shall have, by operation of this Order and the accompanying Judgment, fully, finally and forever released, relinquished, and discharged Newsvine from all claims as defined by the terms of the Settlement, whether or not the Settlement Class members

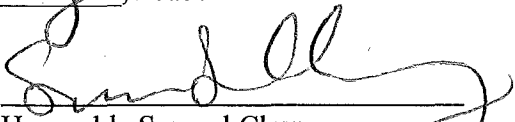
execute and deliver a Claim Form. Upon the Effective Date, all members of the Settlement Class shall be and are hereby permanently barred and enjoined from the institution or prosecution of any and all of the claims released under the terms of the Settlement.

Upon completion of administration of the Settlement, Newsvine shall file a declaration verifying that claims have been paid and that the terms of the Settlement have been completed.

This "Judgment" is intended to be a final disposition of the above captioned action in its entirety, and is intended to be immediately appealable.

9. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the Settlement, and any and all claims, asserted in, arising out of, or related to the subject matter of the lawsuit, including but not limited to all matters related to the Settlement and the determination of all controversies relating thereto.

DATED this 20th day of February, 2015.


Honorable Samuel Chung
Superior Court Judge **Samuel S. Chung**

Presented by:

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