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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

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11 MARGARET L. DIBB, SHANUA
OVIST, and WENDY GONDOS on
12 behalf of themselves and on behalf of
others similarly situated,

13 Plaintiffs,

14 v.

15 ALLIANCEONE RECEIVABLES
16 MANAGEMENT, INC.,

17 Defendant.

CASE NO. 14-5835 RJB

ORDER ON PLAINTIFFS'
PROPOSED NOTICE PLAN

18 This matter comes before the Court on the Plaintiffs' Proposed Notice Plan. Dkt. 139.
19 The Court has considered the pleading and the file herein.

20 Plaintiffs filed this class action seeking relief under the Fair Debt Collection Practices
21 Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), the Washington State Consumer Protection Act,
22 RCW 19.86, *et seq.* ("CPA"), and the Washington Collection Agency Act, RCW 19.16.100, *et*
23 *seq.* ("CAA") in connection with Defendant's attempts to collect debts arising from returned
24 checks. Dkt. 58.

1 On December 16, 2015, the class and two subclasses were certified. Dkt. 134. Plaintiffs
2 Dobb, Ovist, and Gondos were appointed as class representatives and class counsel was
3 appointed. *Id.* Plaintiffs were ordered to file a proposed notice to class members which
4 complies with Fed. R. Civ. P. 23 (c)(2) on or before January 15, 2016. *Id.* The case scheduling
5 order sets the deadline for mailing notice to class members for March 1, 2016. Dkt. 138.
6 Plaintiffs filed their Proposed Notice Plan (Dkt. 139) timely.

7 **CLASS ACTION NOTICE.** Pursuant to Rule 23(c)(2)(B), for a class certified under
8 Rule 23(b)(3), like the one here:

9 [T]he court must direct to class members the best notice that is practicable under
10 the circumstances, including individual notice to all members who can be
11 identified through reasonable effort. The notice must clearly and concisely state in
12 plain, easily understood language:

- 13 (i) the nature of the action;
- 14 (ii) the definition of the class certified;
- 15 (iii) the class claims, issues, or defenses;
- 16 (iv) that a class member may enter an appearance through an attorney if the
17 member so desires;
- 18 (v) that the court will exclude from the class any member who requests exclusion;
- 19 (vi) the time and manner for requesting exclusion; and
- 20 (vii) the binding effect of a class judgment on members under Rule 23(c)(3).

21 Plaintiffs' proposed notice plan complies with Rule 23(c)(2)(B). The plan gives class
22 members the "best notice" practicable. The two proposed notices use easily understood language
23 and provide all the details required, including the nature of the action, definition of the class,
24 class claims, issues or defenses, that a class member can appear through an attorney, the
possibility, time, and manner of exclusion, and the binding effect of a class judgment. Plaintiffs
should fill in the blank dates and phone numbers and send the notices as soon as is feasible.


ORDER

Therefore, it is hereby **ORDERED** that:

- The Plaintiffs' Proposed Notice Plan (Dkt. 139) is **APPROVED**; and
- Plaintiffs should fill in the blank dates and phone numbers and send the notices as soon as is feasible.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated this 19th day of January, 2016.



ROBERT J. BRYAN
United States District Judge