

The Honorable Maryann Moreno
Hearing Date: June 29, 2021
Without Oral Argument

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SUPERIOR COURT
SPOKANE COUNTY, WA

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

KRYSTAL PRATT, individually and on
behalf of all persons similarly situated,

Plaintiff,

v.

PACIFIC PIE, INC., et al.,

Defendants.

No. 2018-02-02516-2

~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS-WIDE SETTLEMENT

This matter comes before the Court on Plaintiff's Unopposed Motion for Preliminary Approval of Class-Wide Settlement. The Court has reviewed the papers filed in connection with the Motion, including the declaration of Plaintiff's counsel, Lindsay L. Halm, the parties' signed settlement agreement (Exhibit 1), and the parties' proposed notice (Exhibit 2) ("Notice").

The Court GRANTS the motion and preliminarily approves of the parties' proposed class-wide settlement. The Court further ORDERS as follows:

~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS-WIDE
SETTLEMENT- 1

SCHROETER GOLDMARK & BENDER
810 Third Avenue • Suite 500 • Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

1 1. The Court finds that the prerequisites of CR 23(a) and (b)(3) are satisfied for
2 the Settlement Class, as defined by the parties and set forth below. Specifically, the
3 Settlement Class, which consists of over 500 individual workers, is sufficiently numerous
4 such that joinder of all members is impracticable. Further, there are questions of law and fact
5 common to the Settlement Class, including, but not limited to whether workers received meal
6 breaks, whether workers waived their right to such breaks, whether workers were required to
7 wait prior to working, or were assigned tasks without being compensated. The Court also
8 finds that Plaintiff's claims are typical of the claims of the Settlement Class, and that Plaintiff
9 and her counsel will fairly and adequately protect the interests of the Settlement Class.
10 Finally, certification of a settlement class under CR 23(b)(3) is appropriate because questions
11 of law and fact common to all Settlement Class Members predominate over any questions
12 that might affect only individual members in the context of the proposed settlement, and a
13 class action settlement is superior to other available means for the fair and efficient resolution
14 of this controversy.

15 2. Pursuant to Civil Rule 23(a) and (b)(3), the Court certifies this matter as a
16 class action for settlement purposes, with the Settlement Class defined as follows: all current
17 and former employees of Defendants who worked as hourly-paid pizza delivery drivers
18 during the Class Period of June 1, 2015 through August 30, 2020.

19 3. The Court appoints Plaintiff Krystal Pratt as Class Representative; and
20 Lindsay L. Halm and Adam J. Berger of the law firm of Schroeter Goldmark & Bender as
21 Class Counsel.

1 4. The Court approves the appointment of CPT Group as Settlement
2 Administrator with the duties and responsibilities set forth by the parties in the Settlement
3 Agreement.

4 5. The Court approves the form and content of the parties' proposed notice to the
5 Settlement Class (the "Notice") that is attached as Exhibit 2 to the Declaration of Lindsay L.
6 Halm along with the longer-form notice that will be available online through CPT Group.

7 6. The Court concludes that the manner of giving notice by U.S. mail with an
8 online long-form notice satisfies CR 23 and the requirements of due process. Consistent with
9 the terms of the parties' Settlement Agreement, the Court directs Defendants to provide the
10 Settlement Administrator with current contact information for each member of the Settlement
11 Class within five (5) days of the entry of this Order; and further directs the Settlement
12 Administrator to, in turn, mail a copy of the Notice to each member of the Settlement Class
13 no later than ten (15) days thereafter.

14 7. Individuals who receive Notice of the settlement and wish to exclude
15 themselves ("opt out") from the Settlement Class must do so by following the instructions as
16 set forth in the Notice.

17 8. Individuals who wish to participate in the Settlement, must submit a timely
18 claim to CPT Group, following the instructions set for the in the Notice.

19 9. Members of the Settlement Class who do not "opt out" may submit a written
20 objection to any of the terms of the proposed settlement, by following the instructions as set
21 forth in the Notice. Only individuals who file a timely, written objection to the settlement
22 will be permitted to appeal or seek review of this Court's decision approving or rejecting the
23 settlement.

1 10. The Court conditionally approves Class Counsel's request for an attorneys'
2 fee award of 25% of the Gross Settlement Fund (or \$120,000) plus reasonable litigation
3 costs, which as of today are just over \$33,000. This approval is preliminary and is subject to
4 modification at the time of final settlement approval.

5 11. The Court preliminarily approves an incentive payment of \$5,000 to Plaintiff
6 Krystal Pratt and \$500 to Catherine Wirth in recognition of their efforts in this case and
7 service to the Settlement Class. This approval is preliminary and is subject to modification at
8 the time of final settlement approval.

9 12. On Oct. 1, 2021, at 9:30 a.m., the Court will conduct a hearing
10 ("Final Settlement Hearing") to determine whether to approve the settlement as fair,
11 reasonable, and adequate, which, if so approved, will result in a dismissal of the case with
12 prejudice. The Final Settlement Hearing may, without further notice to the Settlement Class,
13 be continued or adjourned by order of this Court. Such hearing will take place at the Spokane
14 County Superior Court located at 1116 W Broadway Ave ^{Room 401} ~~13~~, Spokane, Washington.

15 13. Settlement Class Members are not required to attend the Final Settlement
16 Hearing in order to be considered part of the Settlement Class, but may appear if they so
17 choose.

18 14. The Court directs Class Counsel to submit a motion for final approval of the
19 settlement, along with a proposed order approving the settlement and awarding Class
20 Counsel's fees/costs and incentive payments for Class Representatives no later than six (6)
21 calendar days prior to the date of the Final Settlement Approval Hearing. Such papers shall
22 also inform the Court whether the mailing to the Settlement Class was completed in
23

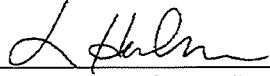
1 accordance with the requirements of this Order, and provide information concerning any opt-
2 outs or objections received as a result of such mailing.

3 15. In the event the parties' proposed settlement does not become effective in
4 accordance with the terms of the Settlement Agreement or is not finally approved by this
5 Court, the Court shall vacate this order, decertify the Settlement Class, and reinstate all
6 claims and defenses.

7 IT IS SO ORDERED this 2 day of July, 2021.

8 
9 The Honorable Maryann Moreno
10 Judge, Spokane County Superior Court

11 Presented by:
12 SCHROETER GOLDMARK & BENDER

13 
14 Lindsay L. Halm, WSBA #37141
15 Adam J. Berger, WSBA #20714
16 *Attorneys for Plaintiff*

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE**

KRYSTAL PRATT, individually and on behalf
of all persons similarly situated,

No. 2018-02-02516-2

Plaintiff,

DECLARATION OF JAMES KILE
RE: GR 17

vs.


PACIFIC PIE, INC., et al .,

Defendant.

I Declare: I, James Kile, being first duly sworn upon oath deposes and says:

I have reviewed the (Proposed) Order Granting Preliminary Approval of Class-Wide
Settlement (7) pages.

The first one (1) being the (Proposed) Order Granting Preliminary Approval of Class-
Wide Settlement and the seventh (7) being this GR17.

 James Kile Date: 6-17-21