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THE HONORABLE ADRIENNE McCOY
Department 54
Noted for Hearing: March 4, 2024
With Oral Argument

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

COLUMBIA DEBT RECOVERY, LLC, a Washington
limited liability company,

Plaintiff/
Counterclaim-Defendant,

vs.

JORDAN PIERCE, an individual, and DONTE
GARDINER, an individual,

Defendants/
Counterclaim-Plaintiffs,

and

GUSTAVO CORTEZ, TOWANA PELTIER and
DARIUS MOSELY,

Third-Party Plaintiffs

vs.

COLUMBIA DEBT RECOVERY, LLC, a Washington
limited liability company,

Third-Party Defendant

NO. 20-2-16403-8 SEA

**[PROPOSED] ORDER GRANTING
DEFENDANTS/COUNTERCLAIM-
PLAINTIFFS/THIRD-PARTY PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES, COSTS
AND SERVICE AWARDS**

[PROPOSED] ORDER GRANTING
DEFENDANTS/COUNTERCLAIM-PLAINTIFFS/THIRD-PARTY
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS AND
SERVICE AWARDS
Case No. 20-2-16403-8 SEA

<p>1 and</p> <p>2 JORDAN PIERCE, DONTE GARDINER, THOMAS</p> <p>3 G. HELLER, MARY ASHLEY ANCHETA,</p> <p>4 BETHANY HANSON, MEGAN SHANHOLTZER,</p> <p>5 Third-Party Plaintiffs,</p> <p>6 vs.</p> <p>7 THRIVE COMMUNITIES MANAGEMENT,</p> <p>8 LLC, a Washington limited liability</p> <p>9 company, THRIVE COMMUNITIES, INC., a</p> <p>10 Washington corporation, and BELKORP</p> <p>11 HOLDINGS, INC., a Washington</p> <p>12 Corporation d/b/a THE EDEN,</p> <p>13 Third-Party Defendants.</p>	
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13 THIS MATTER came before the Court on the Defendants/Counterclaim-Plaintiffs/Third-Party Plaintiffs' Motion for Attorneys' Fees, Costs and Service Awards. Prior to ruling, the Court considered the following documents and evidence:

- 16 1. Defendants/Counterclaim-Plaintiffs/Third-Party Plaintiffs' Motion for Attorneys' Fees, Costs and Service Awards;
- 17
- 18 2. Declaration of Blythe H. Chandler in support of Defendants/Counterclaim-Plaintiffs/Third-Party Plaintiffs' Motion for Attorneys' Fees, Costs and Service Awards;
- 19
- 20 3. Declaration of Sam Leonard in support of Defendants/Counterclaim-Plaintiffs/Third-Party Plaintiffs' Motion for Attorneys' Fees, Costs and Service Awards;
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- 22 4. Declaration of Sharon Grace in support of Defendants/Counterclaim-Plaintiffs/Third-Party Plaintiffs' Motion for Attorneys' Fees, Costs and Service Awards;
- 23
- 24 5. _____;
- 25 6. _____;
- 26 7. _____.

1 Based on the foregoing, and being fully advised, Defendants/Counterclaim-
2 Plaintiffs/Third-Party Plaintiffs' Motion for Attorneys' Fees, Costs and Service Awards is
3 GRANTED.

4 The Court approves payment of service awards of \$1,000 to each of the Class
5 Representatives: Gustavo Cortez, Towana Peltier, and Darius Mosley.

6 **FINDINGS OF FACT & CONCLUSIONS OF LAW**

7 1. The Court finds that the Class Representatives and Third-Party Plaintiffs Gustavo
8 Cortez, Towana Peltier, and Darius Mosley and that Defendants and Counterclaim Plaintiffs
9 Donte Gardiner and Jordan Pierce prevailed on their claims brought under RCW 19.86.090 and
10 as a result are entitled to their costs, including a reasonable attorney's fee.

11 2. The Court finds that the work of Class Counsel resulted in the creation of a Class
12 Fund of \$87,000, which is approximately 83% of the CDR Classes alleged damages in this case.

13 3. The Court finds Class Counsel's litigation costs consisting of filing fees and
14 deposition transcript costs are recoverable. See *Nordstrom, Inc. v. Tampourlos*, 107 Wn.2d 735,
15 743, 733 P.2d 208 (1987); RCW 4.84.010. Class Counsel are awarded \$3,430.50 in costs.

16 4. Courts use the lodestar method to calculate an award of reasonable attorney's
17 fees under the Consumer Protection Act. *Bowers v. Transamerica Title Ins. Co.*, 100 Wn.2d 581,
18 595, 675 P.2d 193 (1983). The CPA's mandate for liberal construction applies equally to its
19 provision for award of reasonable attorneys' fees. See *Progressive Animal Welfare Soc. v. Univ.*
20 *of Wash.*, 114 Wn.2d 677, 683, 790 P.2d 604 (1990) (citing *Holland v. Boeing Co.*, 90 Wn.2d 384,
21 392, 583 P.2d 621 (1978)).

22 5. There are two steps to the lodestar method: (1) calculating the "lodestar figure"
23 by "multiplying the number of hours reasonably expended by the attorney's reasonable hourly
24 rates;" and (2) adjusting that figure up or down to reflect other factors such as "the contingent
25 nature of success and the quality of work performed." *Smith v. Behr Process Corp.*, 113 Wn.
26 App. 306, 341, 54 P.3d 665 (2002) (citing *Bowers*, 100 Wn.2d at 597).

1 6. The Court finds that class counsel’s standard hourly rates are reasonable and
2 approves them. Specifically the Court approves as reasonable the following rates: \$550 per
3 hour for partners/founders Beth Terrell, Amanda Steiner, and Paul Arons; \$495 per hour for
4 partner/founders Blythe H. Chandler and Sam Leonard; \$425 per hour for partner Elizabeth
5 Adams; \$325 per hour for associates Britt Glass and Sarah Smith; \$275 per hour for associate
6 Jasmin Rezaie; \$195 per hour for paralegals Jennifer Boschen and Jodi Nuss; \$125 per hour for
7 legal assistants Holly Rota, Bradford Kinsey, Ana Amezega, and Tanya Stewart.

8 7. The Court finds that Class Counsel’s total hours—670.5 hours—are reasonable.
9 The Court reviewed Class Counsel’s time records and CDR’s objections to the time records
10 before reaching this conclusion. The Court finds that Class Counsel’s time records provide more
11 than the “reasonable documentation of the work performed” that is required. *Bowers*, 100
12 Wn.2d at 597.

13 8. Multiplying the reasonable the Court finds that Class Counsel’s lodestar is
14 \$314,181.21 in attorney’s fees. The Court grants Class Counsel their requested award of
15 \$300,000, less than their reasonable lodestar, plus \$3,430.50 in litigation costs.

16 9. The Court finds that while multipliers of 1.5 enhancing awards above the
17 lodestar are common in cases under the CPA, the attorney’s fee award here is particularly
18 reasonable as it is less than the lodestar.

19 IT IS SO ORDERED.

20 DATED this _____ day of _____, 2024.

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THE HONORABLE JUDGE ADRIENNE McCOY

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1 Presented by:

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3

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27 [PROPOSED] ORDER GRANTING
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SERVICE AWARDS - 4

Case No. 20-2-16403-8 SEA

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1 **DECLARATION OF SERVICE**

2 I, Blythe H. Chandler, hereby certify that on November 27, 2023, I caused true and
3 correct copies of the foregoing to be served via the means indicated below:

4 Brad Fisher, WSBA #19895
5 Email: bradfisher@dwt.com
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30 *Communities, Inc.*

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11 *Attorneys for Third-Party Defendant*
12 *Belkorp Holdings, Inc., d/b/a The Eden*

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13 I declare under penalty of perjury under the laws of the State of Washington and the
14 United States that the foregoing is true and correct.

15 DATED this 27th day of November, 2023.

16 By: /s/ Blythe H. Chandler, WSBA #43387
17 Blythe H. Chandler, WSBA #43387