

FILED

2021 AUG 16 PM 1:31

GRAYS HARBOR CO.
KYM FOSTER
COUNTY CLERK

Judge:
Hearing Date: August 16, 2021
Hearing Time: 8:30 am
Case No. 16-2-00022-0

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR GRAYS HARBOR COUNTY**

MARY BRYAN and DEBRA RILEY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

GRAYS HARBOR COMMUNITY
HOSPITAL, a Washington non-profit
corporation, GRAYS HARBOR COUNTY
PUBLIC HOSPITAL DISTRICT NO. 2, a
Washington municipal corporation,
REBECCA A. ROHLKE, individually, on
behalf of the marital community and as
agent of non-party Hunter Donaldson;
JOHN DOE ROHLKE, on behalf of the
marital community; RALPH
WADSWORTH, individually, on behalf of
the marital community, and as agent of non-
party Hunter Donaldson, JANE DOE
WADSWORTH, on behalf of the marital
community; TIM CARDA, individually, on
behalf of the marital community, and as
agent of non-party Hunter Donaldson, JANE
DOE CARDA, on behalf of the marital
community; GRACIELA PULIDO,
individually, on behalf of the marital
community and as agent of non-party
Hunter Donaldson, and JOHN DOE

16-2-00022-0
ORGMT 89
Order Granting Motion Petition
10855405



No. 16-2-00022-0

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT
AGREEMENT

[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

**PFAU COCHRAN
VERTETIS AMALA
ATTORNEYS AT LAW**

909 A Street, Suite 700
Tacoma, WA 98402
(253) 777-0799 | Fax: (253) 627-0654
www.pvalaw.com

1 PULIDO, on behalf of the marital
2 community,

3 Defendants.
4

5
6 THIS MATTER having come before the Court upon Plaintiffs' Motion for Preliminary
7 Approval of Class Settlement Agreement, and the Court having considered the memorandum
8 and materials submitted, reviewed the record in this action, heard the arguments of counsel, and
9 considering itself fully advised, finds and rules as follows:

10 1. Defendant grays harbor Community Hospital ("GHCH") supports this motion as to its
11 basic terms.

12 2. Plaintiffs and GHCH have executed a proposed settlement ("Settlement Agreement")
13 seeking to resolve Plaintiffs' claims.

14 5. The Court has carefully reviewed the terms of the proposed Settlement Agreement. The
15 settlement provides substantial relief to the class previously certified by the Court's December
16 8, 2018 order without the risk, cost, and delay associated with continued litigation and trial.
17 The settlement also resulted from extensive arms-length negotiation between counsel with
18 extensive experience in class action litigation and class settlements. The Court preliminary
19 approves the Settlement Agreement as presenting a compromise that falls within the range of
20 possible approval as fair, reasonable, and adequate. Accordingly, this Settlement Agreement
21 warrants publication and consideration by the class.

22
23 6. Plaintiffs recommend CPT Group ("CPT") to the Court as the administrator of the
24 settlement ("Settlement Administrator"). The Court previously reviewed CPT's background
25 qualifications in approving it as notice administrator to the class. For the same reason, the Court
26

[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

2 of 7 | 16-2-00022-0

**PFAU COCHRAN
VERTETIS AMALA**
ATTORNEYS AT LAW

909 A Street, Suite 700
Tacoma, WA 98402
(253) 777-0799 | Fax: (253) 627-0654
www.pvalaw.com

1 finds it qualified to serve for this case and therefore appoints CPT as the Settlement
2 Administrator.

3
4 7. The Court will conduct a hearing on the fairness and final approval of the settlement
5 (“Fairness Hearing”) October 25, 2021, at 1:30pm to determine: (i) whether the proposed
6 settlement of the litigation on the terms and conditions set forth in the Settlement Agreement
7 of the parties is fair, reasonable, and adequate; (ii) whether a final order of judgment and
8 dismissal should be entered; (iii) whether the fee application of Class Counsel and proposed
9 awards for Plaintiffs’ Class Representatives should be approved; and (iv) such other matters as
10 the Court deems just and proper.

11 8. Class members who wish to be heard at the fairness hearing in opposition to the
12 settlement or any of the other issues identified above must serve by hand or first class mail a
13 request to be heard and a written statement of support or objection, along with any supporting
14 papers and briefs, on Class Counsel, counsel for GHCH, and file such materials with the
15 Court by October 4, 2021, pursuant to the instructions set forth in the Notice. Class members
16 may file written statements in the same manner without obliging themselves to appear at the
17 fairness hearing. Class members who do not follow the procedure outlined in the Notice shall
18 be deemed to have waived any objections and shall be forever foreclosed from making any
19 objection to the fairness and adequacy of the proposed settlement, to the propriety of class
20 certification, to any final judgment that may be entered, and to any award of attorney fees and
21 expenses to Class Counsel. The Court may issue further orders in advance of the fairness
22 hearing to establish the procedure for presentations at the hearing and to insure a fair,
23 efficient, and orderly presentation of all views, without undue repetition.

24 9. Pursuant to the terms of the Settlement Agreement, the parties are directed to give
25 notice to the class of the terms of the Settlement Agreement, the procedures for making
26

1 claims for relief, and the procedures for filing written objections or appearing at the fairness
2 hearing. The Notice, which is attached as Exhibit A to the Settlement Agreement, is hereby
3 approved as providing all information necessary to inform class members of their rights and
4 obligations under the proposed settlement. The notice program provides for actual notice to
5 those class members appearing in the records of Plaintiffs and GHCH. The notice program
6 proposed by Plaintiffs is approved as providing the best notice practicable and the Court holds
7 that it complies with due process requirements, the requirements of CR 23(c) and (e), and any
8 other applicable laws or rules. The Settlement Administrator shall mail notice to the Class
9 members within 10 days of entry of this order. Not later than six days prior to the Fairness
10 Hearing, the Settlement Administrator shall file with the Court and serve on Class Counsel
11 proof by declaration or affidavit that it has complied with the Notice requirements described
12 above and in the Agreement.

13
14 11. Pursuant to CR 23(d)(2), for the protection of the class and to insure the fair conduct
15 of the fairness hearing and evaluation of the proposed settlement, all persons, including (but
16 not limited to) defendants, class members, and their counsel, are hereby enjoined from
17 soliciting or inducing objections to the settlement by means of misleading communications.
18 Persons who violate this order shall be subject to appropriate sanctions and the Court reserves
19 its right to invalidate exclusions or objections obtained by use of such misleading
20 communications.

21 12. The Court reserves the right to adjourn the date of the fairness hearing without further
22 notice to class members and retains continuing jurisdiction to consider all further matters
23 arising out of, or connected with, the proposed settlement.

24 14. If the settlement is not approved, or otherwise is terminated in accordance with the
25 terms of the Settlement Agreement, the Settlement Agreement shall have no force or effect.
26

[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

4 of 7 | 16-2-00022-0

**PFAU COCHRAN
VERTETIS AMALA**
ATTORNEYS AT LAW

909 A Street, Suite 700
Tacoma, WA 98402
(253) 777-0799 | Fax: (253) 627-0654
www.pcvalaw.com

1 All negotiations, proceedings and statements made in connection with the Settlement
2 Agreement and the settlement approval process shall be deemed inadmissible in any further
3 proceedings, and the parties to this litigation shall be restored to their respective positions
4 prior to the entry of this order, preserving all respective arguments, claims, and defenses.

5
6 15. Pending final determination as to whether the Settlement, as set forth in the
7 Agreement, should be approved, no class member shall commence, prosecute, pursue, or
8 litigate any Released Claims against GHCH, whether directly, representatively, or in any
9 capacity, and regardless of whether or not any such Class member has appeared in the action.

10 16. _____
11 _____
12 _____
13 _____

14 17. Plaintiffs' Motion for Preliminary Approval of Class Action Settlement is GRANTED.

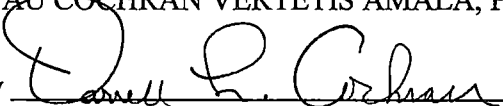
15
16
17 DONE IN OPEN COURT this 16th day of August, 2021.

18
19
20 
21 _____
22 JUDGE/COMMISSIONER

KATHERINE L. SVOBODA

21 Presented By:

22 PFAU COCHRAN VERTETIS AMALA, PLLC

23 By 
24 Darrell L. Cochran, WSBA No. 22851
25 darrell@pcvalaw.com
26 Christopher E. Love, WSBA No. 42832
Attorneys for Plaintiffs

[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

5 of 7 | 16-2-00022-0

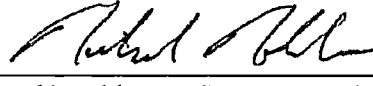
**PFAU COCHRAN
VERTETIS AMALA
ATTORNEYS AT LAW**

909 A Street, Suite 700
Tacoma, WA 98402
(253) 777-0799 | Fax: (253) 627-0654
www.pcvalaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Approved as to form:

BENNETT BIGELOW & LEEDOM P.S.

By 

Michael Madden, WSBA No. 8747

mmadden@bblaw.com

Attorney for Defendant Grays Harbor Community Hospital

[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

**PFAU COCHRAN
VERTETIS AMALA
ATTORNEYS AT LAW**


909 A Street, Suite 700
Tacoma, WA 98402
(253) 777-0799 | Fax: (253) 627-0654
www.pvalaw.com

1
2 **CERTIFICATE OF SERVICE**

3 I, **Sarah Awes**, hereby declare under penalty of perjury under the laws of the State of
4 Washington that I am employed at Pfau Cochran Vertetis Amala PLLC and that on today's
5 date, I served the foregoing via **Email** by directing delivery to the following individuals:

6 Michael Madden
7 Amy Magnano
8 Bennett Bigelow & Leedom, P.S.
9 601 Union Street, Ste 1500
10 Seattle, WA 98101-1363

11
12
13 DATED this 6th day of August, 2021.

14
15 
16 _____
17 Sarah Awes
18 Legal Assistant to Darrell L. Cochran