

THE HONORABLE LEROY MCCULLOUGH
Hearing Date: August 8, 2024
Oral Argument Requested

SUPERIOR COURT FOR THE STATE OF WASHINGTON
FOR KING COUNTY

MICHAEL AALAND, on his own behalf and on
behalf of other similarly situated persons,

Plaintiff,

v.

SCHOENECKERS, Inc. d/b/a BI WORLDWIDE,
a Minnesota Corporation,

Defendant.

CLASS ACTION

NO. 22-2-20711-6 SEA

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

This matter comes before the Court on Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement. The Court considered the following:

1. Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement;
2. The Declaration of Joseph W. Wright in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement and Exhibit attached thereto, including the Settlement Agreement and Proposed Notice to the Class;
- ~~3. Oral argument if granted; and~~
4. The files and records herein.

Having fully considered the matter, the Motion is hereby GRANTED. It is further ORDERED that:

1. The parties' settlement is granted preliminary approval as it meets the criteria for preliminary settlement approval, appears to be the product of arm's length and

informed negotiations, and appears to be fair, adequate, and reasonable to the Class.

2. The Court approves, as to form, content, and method of delivery of, the Notice of Class Action Settlement, attached as Exhibit A to the Settlement Agreement (“Class Notice”).

3. The Court appoints ILYM Group, Inc. as the Settlement Administrator.

4. The Court provisionally certifies the following settlement class:

Residents of the State of Washington to whom BIW sent a commercial electronic text message, at a telephone number assigned for cellular telephone or pager service that was equipped with short message capability or any similar capability allowing the transmission of text messages, concerning Contractor Rewards between December 16, 2018 and December 16, 2022.

5. Class members will be bound by the terms of the Settlement Agreement unless they submit a timely Request for Exclusion (opt out) within 30 days after the mailing of the Class Notice by the Settlement Administrator.

6. The Court orders the following schedule of dates for further proceedings:

EVENT	SCHEDULED DATE
Defendant to provide Settlement Administrator with Settlement Class Members’ names, last known addresses, phone numbers, and Social Security numbers	21 days after entry of preliminary approval order
Defendant to provide Class Counsel with Settlement Class Members’ text message and consent status covering the entire class period (to the extent it has not already been provided)	21 days after entry of preliminary approval order
Settlement Administrator to Mail Notice to Settlement Class Members	15 days after receiving above information from Defendant and Class Counsel
Class Members to opt out or object	30 days after mailing of Notice
Settlement Administrator jointly certifies to Class Counsel and Defendant’s counsel the number of opt outs and objections	If there are no objections to the validity of the Exclusion Letters or eligibility determinations made by the Settlement Administrator from the Parties: no sooner than 12 days after the Notice Deadline.

	<p>If there are objections by the Parties, but the Parties are able to resolve their objections after meeting and conferring: no sooner than 17 days after the Notice Deadline.</p> <p>If the Parties are unable to resolve their objections after meeting and conferring: no sooner than the date the Superior Court has made a final decision regarding subject Exclusion Letters and eligibility determinations.</p>
Final Fairness Hearing	<p>No sooner than 45 days after Notice Deadline (HEARING DATE TO BE SET BY THE COURT) <i>Friday Dec. 29, 2023, 10³⁰ AM</i></p>
Settlement Effective Date	<p>The first business day after all of the following have occurred: (1) the Settlement has been finally approved by the Superior Court, and (2) the Superior Court's anticipated order approving the Settlement and dismissing this Case with prejudice (the "Final Judgment") becomes final. The Superior Court's Final Judgment "becomes final" upon the later of either (a) the expiration of the time for filing an appeal from the Final Judgment or for otherwise seeking appellate review; or (b) if an appeal is timely filed or other appellate review is sought, the date the Mandate or other final affirmance is issued by the appellate court affirming the Final Judgment.</p>
Defendant to fund settlement	<p>Within 15 business days after the Settlement Effective Date</p>
Settlement Administrator to Mail Individual Settlement Payments to Participating Settlement Class Members, pay approved attorneys' fees and costs to Class Counsel, pay approved Class Representative Service Award to Plaintiff Aaland, and pay approved administration fees to Settlement Administrator	<p>Within 15 days after the Settlement Effective Date</p>

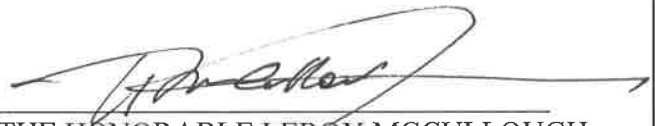
1 Participating Settlement Class Members to
2 cash or deposit Individual Settlement
3 Payment checks

90 days from the mailing of individual
settlement payments to Participating
Settlement Class Members

4 THE COURT HEREBY SETS THE FINAL APPROVAL HEARING AT THE
5 FOLLOWING DATE AND TIME:

6 Dec. 20, 2024, 10:30am

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8 DATED this 29th day of August, 2024.
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12 
13 THE HONORABLE LEROY MCCULLOUGH
14 KING COUNTY SUPERIOR COURT JUDGE
15

16 Presented by:

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