THE HONORABLE MICHAEL K. RYAN
Department 37
Hearing Date: May 23, 2025
Hearing Time: 11:00 a.m.
With Oral Argument

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

JANE DOE and JOHN DOE, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

VIRGINIA MASON MEDICAL CENTER, and VIRGINIA MASON HEALTH SYSTEM,

Defendants.

NO. 19-2-26674-1 SEA

PLAINTIFF'S MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS, AND SERVICE AWARD

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
www.terrellmarshall.com

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Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
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Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
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I. INTRODUCTION

Plaintiff and his counsel negotiated this class settlement after five years of contentious litigation, as the parties were preparing for trial. The claims in this case involve cutting-edge technology and novel legal theories. Virginia Mason's vigorous defense included two motions to dismiss and a motion for summary judgment, petitioning the Court of Appeals and Washington Supreme Court to review class certification, contesting the notice plan, deposing Plaintiff and his four experts, and many discovery disputes. With the assistance of Judge Laura Inveen, the parties negotiated a settlement that requires Virginia Mason to pay up to $6,750,000 to Settlement Class members who file valid claims and to make meaningful changes to its business practices. The claims rate already exceeds 5.6%—a significant rate for a consumer class action—and many more claims will likely be filed by the April 28 deadline.

Plaintiff and Class Counsel request the Court award a reasonable attorneys' fee of $5,000,000 and costs of $378,601, and approve a $10,000 service award to recognize Plaintiff's commitment to the Class. VM will pay the amounts approved by the Court separately from its payments to Class members. The requested attorneys' fee represents a 1.004 multiplier on Class Counsel's $4,982,877.50 lodestar, which does not include time removed as administrative, inefficient, or duplicative, or time for seeking final approval of the settlement and supervising implementation of the claims process. Class Counsel's lodestar has been calculated using the firms' reasonable and current hourly rates and the reasonable number of hours they devoted to the case, and the modest multiplier is justified by the risk they undertook, the delay in payment, the skill and experience they brought to the case, and the excellent result they achieved for the Class.

II. FACTUAL BACKGROUND

Jay Barnes and his colleagues at Simmons Hanley Conroy began investigating claims against VM in early 2019. Mr. Barnes and SHC have been litigating similar privacy cases against Facebook/Meta, as well as other healthcare providers, for over a decade. Barnes Decl. ¶¶ 12-13. The investigation included working with computer science expert Richard Smith to

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understand how VM was using source code on its website to transmit patient data to Facebook, Google, and other third parties. *Id.* ¶ 3. Among other things, Mr. Smith tracked the information transmitted from VM's website to third parties for Gorny Dandurand's client, Jane Doe. SHC and GD then worked with Seattle-based Terrell Marshall to research potential legal claims under Washington law, finding creative ways to apply existing law to new technology.

Class Counsel drafted a detailed 66-page complaint, filed by Jane Doe on behalf of a proposed class in October 2019. Dkt.1. After defeating VM's motion to dismiss, Dkt.69, Plaintiff amended to add John Doe as a plaintiff and some additional allegations and claims. Dkt.93. John Doe continued to represent the Class after Jane Doe withdrew as class representative. Dkt.315.

A. Litigating the Class's novel claims in the face of VM's vigorous defense required substantial motion practice, extensive discovery, and work with multiple experts.

It is a bit of a cliché to call a case "hard fought," but review of the record shows this case was more contentious than most. Even after adjusting its website practices, VM insisted the Class could not prove its claims, could not prove damages, and could not show VM's patients cared about its disclosure of their website and patient portal activity.

Class Counsel took a targeted approach to discovery, starting with understanding VM's use of the technology and building on that understanding as additional facts emerged and with the assistance of expert analysis. Ultimately, Plaintiff served five sets of discovery on VM and subpoenas on ten third parties, including Facebook and Google. VM produced over 10,000 pages of documents and third parties produced over 500,000 pages. Plaintiff responded to several sets of discovery and produced documents. The parties took 19 depositions, including plaintiffs, VM representatives, and the parties' eight experts.

The parties filed many motions. VM moved to dismiss twice and Plaintiff moved for a preliminary injunction. Dkt.69, 133. After the Court granted Plaintiff's motion for class certification, Dkt.188, VM sought discretionary review. The Court of Appeals Commissioner granted the motion. When the Court of Appeals granted Plaintiff's motion to modify, VM

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sought review by the Washington Supreme Court, which was denied. VM challenged Plaintiff's plan for class certification notice and then posted its own website notice, requiring Plaintiff to seek the Court's intervention. Dkt.270-271, 276-284, 286-287. As trial approached, VM moved for a six-month continuance, which the Court denied after Plaintiff opposed. Dkt.290-293. The parties then filed cross-motions for summary judgment and VM moved to decertify. Dkt.301-314, 371-323, 327-331, 333. The Court granted and denied in part both summary judgment motions, and later denied VM's motion to decertify. Dkt.340, 346.

B. Counsel negotiated an excellent settlement for the Class while preparing for trial.

The parties were preparing for trial when they mediated with Judge Laura Inveen in February 2024. After the Court's summary judgment ruling narrowed the claims and issues for trial, the parties renewed settlement discussions with Judge Inveen's assistance. The parties notified the Court of their agreement in principle in October 2024. Dkt.353.

The proposed settlement provides substantial monetary and non-monetary relief to Class members. VM will pay $3,500,000 to establish a non-reversionary Settlement Fund to pay Class members' claims and an additional amount of up to $3,250,000 if needed to pay all claims. While VM already changed its practices in response to this lawsuit, VM has also agreed to meaningful prospective relief. VM will maintain a Web Governance Committee to evaluate whether the use of analytics and advertising technologies on its website and patient portal is consistent with VM's mission and applicable law. For two years following final approval of the settlement, VM will not use Meta Pixel, Google Analytics, Google Ads, Google DoubleClick, The TradeDesk, or Twitter/X Pixel source code on its websites unless the Web Governance Committee determines it complies with applicable laws and VM affirmatively discloses on the website that the tool, identified by name, is being used on the website.

VM will separately pay Court-approved costs for the Settlement Administrator, Class Counsel's attorneys' fees and costs, and a service award to Plaintiff.

Class members have responded positively to the settlement. The Settlement Administrator reports that as of February 25, Class members have submitted 43,307 claim

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forms, representing $5,485,770 in payments. No Class member has objected to the settlement as of this filing. Terrell Decl. ¶11. Class Counsel will provide the Court with complete information after the April 28 deadline to submit claims, object and opt out.

C. Class Counsel leveraged each firm's expertise to efficiently manage the litigation.

Throughout the five years of litigation, Class Counsel worked cooperatively, delegating discrete tasks to individuals or firms to avoid duplication of effort. Mr. Barnes and the other attorneys at SHC led the legal team and were responsible for overall case strategy, developed the facts and legal theories, managed discovery, including depositions, document review, and conferring with defense counsel, directed strategy for motion practice, wrote briefs and argued most motions, retained and worked with experts, directed trial preparation and strategy, participated in settlement negotiations and implementation. Barnes Decl. ¶¶ 2-7, 24. Terrell Marshall assisted with case strategy and management, took the lead on most briefing, argued key motions, drafted discovery and responses, participated in document review and depositions, handled third-party subpoenas, helped marshal evidence and prepare for trial, led settlement negotiations, drafted the settlement documents, responded to class member inquiries throughout the case, and is overseeing the claims process and implementation of the settlement terms. Terrell Decl. ¶¶ 2-10, 29. GD worked closely with the plaintiffs to develop evidence and respond to discovery, participated in discovery, depositions and work with experts, and worked on trial preparation. Gorny Decl. ¶¶ 2-7, 20. Kiesel Law played a key role in discovery, including subpoenas to third parties, depositions, and experts, assisted with mediation, settlement negotiations, and trial preparation. Koncius Decl. ¶¶ 2-6, 17.

III. STATEMENT OF ISSUES

1. Should the Court award Class Counsel a reasonable attorneys' fee of $5,00,000?
2. Should the Court award Class Counsel their costs of $378,601?
3. Should the Court approve a $10,000 service award for Plaintiff?

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
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IV. EVIDENCE RELIED UPON

This motion relies on the declarations of Beth Terrell, Jason Barnes, Jeffrey Koncius, and Stephen Gorny, and the pleadings on file.

V. ARGUMENT

Plaintiff's claim that VM violated the Washington Consumer Protection Act has been central to this litigation, and was to be a focus of evidence at trial following the Court's orders on the cross-motions for summary judgment and VM's motion to decertify. The CPA provides that a successful plaintiff may recover "the costs of suit, including reasonable attorney's fees." RCW 19.86.090. This fee-shifting provision is intended "to encourage active enforcement of the underlying statute." *Bowers v. Transamerica Title Ins.*, 100 Wn.2d 581, 595 (1983); *State v. Living Essentials,* 8 Wn. App. 2d 1, 37–39 (2019) (awarding State fees and costs to "encourage an active role in the enforcement of the [CPA]"). "[C]lass suits are an important tool for carrying out the dual enforcement scheme of the CPA." *Dix v. ICT Group*, 160 Wn.2d 826, 837 (2007).

The CPA's mandate for liberal construction applies equally to its provision for award of reasonable attorneys' fees. *See Progressive Animal Welfare Soc. v. Univ. of Wash.*, 114 Wn.2d 677, 683 (1990); *see also* Findings of Fact and Conclusions of Law Regarding CPA Attorney Fees, *King County v. Aquatherm GmbH*, King Co. Super. Ct. No. 19-2-07910-0 SEA (Dec. 6, 2023) (when assessing fees under the CPA "the Court must be mindful of both the public/private purpose of the CPA, as well as its requirement that all its provision be liberally construed"). For this reason, the amount of a reasonable attorneys' fee under the CPA may exceed the amount recovered for the plaintiff. *See, e.g., Banuelos v. TSA Wash.,* 134 Wn. App. 607, 608 (2006) (affirming judgment for plaintiff of $4.27 in damages, trebled to $12.81, and $90,125 in attorney fees). Where a CPA action results in relief to persons other than the plaintiff, "then it follows that the reasonableness of the attorney's fee should be governed by substantially more than the import of the case to the plaintiff alone." *Ewing v. Glogowski*, 198 Wn. App. 515, 524 (2017) (affirming attorneys' fee of $246,307.50, which included a 1.5 multiplier on lodestar, where plaintiff recovered $50,000).

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936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
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"Under the CPA, attorney fees are calculated by establishing a lodestar fee then adjusting it up or down based upon the contingent nature of success and, in exceptional circumstances, based also on the quality of work performed." *Edmonds v. John L. Scott Real Estate,* 87 Wn. App. 834, 856–57 (1997). There are two steps to the lodestar method: (1) calculating the "lodestar figure" by "multiplying the number of hours reasonably expended by the attorney's reasonable hourly rates;" and (2) adjusting that figure up or down with a multiplier to reflect other factors such as "the contingent nature of success and the quality of work performed." *Smith v. Behr Process Corp.*, 113 Wn. App. 306, 341 (2002) (citing *Bowers*, 100 Wn.2d at 597). Under the CPA, courts may apply a multiplier to account for the risk associated with bringing the case based on "the likelihood of success at the outset of the litigation." *Bowers*, 100 Wn.2d at 598-99 (citation omitted). An "award is not reasonable if it does not assure competent legal representation for the consumer" in CPA actions. *Connelly v. Puget Sound Collections*, 16 Wn. App. 62, 65 (1976).

A. Class Counsel billed a reasonable number of hours over the five years of litigation that led to this settlement.

To establish the hours reasonably worked, courts consider the number of hours counsel billed during the litigation and "generally defer to the 'winning lawyer's professional judgment as to how much time he was required to spend on the case.'" *Costa v. Comm'r of Soc. Sec. Admin.*, 690 F.3d 1132, 1135–36 (9th Cir. 2012) (quoting *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008)). Time reasonably spent investigating the case prior to filing a complaint is compensable. *Ray Haluch Gravel Co. v. Cent. Pension Fund of Int'l Union of Operating Eng'rs & Participating Emp'rs*, 571 U.S. 177, 189 (2014) ("The fact that some of the claimed fees accrued before the complaint was filed is inconsequential."). Time spent establishing the right to recover fees is also compensable. *Steele v. Lundgren*, 96 Wn. App. 773, 781–82 (1999). "The trial court must also segregate time spent litigating claims against codefendants. But segregation of attorney fees is not required if the trial court determines that

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the claims are so related that no reasonable segregation can be made." *Ewing*, 198 Wn. App. at 523 (citation omitted).

To establish the hours worked, the plaintiff must provide "reasonable documentation of the work performed." *Bowers*, 100 Wn.2d at 597; *Wash. State Phys. Ins. Exch. & Ass'n v. Fisons Corp.*, 122 Wn.2d 299, 335 (1993) ("[a]ttorneys seeking fees must provide reasonable documentation of work performed to calculate the number of hours"). The "documentation need not be exhaustive or in minute detail, but must inform the court" of the number of hours worked, the type of work performed, and the category of attorney who performed the work (i.e., senior partner, associate, etc.)." *Bowers*, 100 Wn.2d at 597; *see also Miller v. Kenny*, 180 Wn. App. 772, 821 (2014) (affirming lodestar calculated based on more than 3,229 hours of work calculated by an attorney's post-judgment review of the file and docket and estimates of time related to each item for each timekeeper, rather than contemporaneous time records).

Class Counsel devoted 6,740 hours to this litigation, which does not include over 500 hours (totaling over $240,000 in lodestar) removed as duplicative, excessive, or administrative. Class Counsel have provided the Court with the number of hours billed by each timekeeper and a description of their contribution to the litigation. Barnes Decl. ¶ 24; Terrell Decl. ¶ 29; Gorny Decl. ¶ 20; Koncius Decl. ¶ 16. Class Counsel coordinated their efforts to capitalize on the experience and strength of each firm, and each timekeeper within the firms, and to minimize duplication of effort. This approach allowed Class Counsel to effectively and efficiently formulate successful legal theories, take numerous depositions, propound multiple sets of discovery, review hundreds of thousands of pages of documents, and work with multiple experts to uncover and develop important facts and evidence, draft and respond to numerous key motions, prepare for trial, and negotiate a settlement that has already generated a high claims rate and, so far, no objections. *See Summers v. Sea Mar Community Health Centers,* 29 Wn. App. 2d 476, 486, 496 (2024) (affirming approval of settlement with 0.5% claims rate and citing cases recognizing that "response rates in class actions generally range from 1 to 12 percent, with a median response rate of 5 to 8 percent" and "consumer claim filing rates rarely

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exceed seven percent, even with the most extensive notice campaigns" (citations omitted)), *rev. denied*, 549 P.3d 112 (Wash. 2024). VM's defense team is formidable and has defended numerous healthcare providers facing similar allegations. This litigation was highly contentious, requiring Class Counsel to be proactive and methodical. At the same time, Class Counsel had every incentive to be thoughtful about time they devoted to this case, given its duration and uncertain outcome. *See Moreno*, 534 F.3d at 1112 ("[L]awyers are not likely to spend unnecessary time on contingency fee cases in the hope of inflating their fees. The payoff is too uncertain, as to both the result and the amount of the fee.").

B. Class Counsel seek fees calculated using reasonable rates.

Calculating the lodestar begins with establishing reasonable rates for the attorneys involved. "When attorneys have 'an established rate for billing clients,' that rate will likely be considered reasonable." *Bowers*, 100 Wn.2d at 203. "In addition to the usual billing rate, the court may consider the level of skill required by the litigation, time limitations imposed on the litigation, the amount of the potential recovery, the attorney's reputation, and the undesirability of the case." *Id.* at 203–04; *see also Rivas v. BG Retail,* 2020 WL 264401, at *7 (N.D. Cal. Jan. 16, 2020) ("To determine the prevailing market rate, courts may rely on attorney affidavits as well as 'decisions by other courts awarding similar rates for work in the same geographical area by attorneys with comparable levels of experience.'" (citation omitted)). When counsel have worked on a contingent basis, courts typically apply their current rates, rather than historical rates, to compensate the attorney for the delay in payment over time. *See Steele v. Lundgren*, 96 Wn. App. 773, 785–86 (1999) (utilizing current rates in civil rights and other public interest litigation).

Class Counsel have provided the rates and experience of each timekeeper. Class Counsel's rates range from $1,300 for Mr. Barnes, a firm partner with 20 years of experience who spearheaded and managed the case to $395 for associates with fewer than five years of experience. Barnes Decl. ¶¶ 11, 24; Koncius Decl. ¶ 16. These rates are supported by Class Counsel's skill and reputation for litigating class actions and their trial experience, as well as

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their background in cases involving the same or similar technology against other healthcare providers and Meta. Barnes Decl. ¶¶ 8-21; Terrell Decl. ¶¶12-25; Gorny Decl. ¶¶8-17; Koncius Decl. ¶¶7-12; s*ee also Deien v. Seattle City Light*, 24 Wn. App. 2d 57, 68 (2023) (record showed class counsel Beth Terrell has "significant experience litigating class action lawsuits"). The need to creatively apply existing law to cutting-edge technology and show common harm to VM patients made this a case that demanded Class Counsel's particular skills and experience.

Other courts have approved Class Counsel's rates. *See, e.g., Salas v. Toyota Motor Sales U.S.A.,* No. 15-cv-08629-HDV-E (C.D. Cal. Jan. 7, 2025), ECF Nos. 276, 276-7, 305 (approving attorney rates of $395–$1,280 and $160–$225 for staff, Koncius Decl. Ex.1); *Doe v. Partners Healthcare System,* Suffolk Co. Super. Ct. No. 19-1651-BLS1 (Jan. 20, 2022) (approving attorney rates of $800–$1,100, Barnes Decl. Ex.1); *In re Facebook Internet Tracking Litig.*, No. 5:12-md-02314-EJD (N.D. Cal. Nov. 10, 2022), ECF Nos. 254 at 19, 289) (approving rates of $300–$1,200 for attorneys and $125–$375 for paralegals, Barnes Decl. Ex.2); Koncius Decl. ¶ 18. Similar rates have been approved by courts in Seattle. *See Moore v. Robinhood Financial,* No. 2:21-cv-01571-BJR (W.D. Wash. July 16, 2024), ECF No. 108 (approving rates from $1,180 for a partner with 23 years' experience to $710 for an associate with 9 years' experience, and $285–$450 for senior paralegals); *Peterson v. BSH Home Appliances Corp.*, Case No. 2:23-cv-00543, 2024 WL 2978216, at *1 (W.D. Wash. June 13, 2024) (approving rates of $468–$1057 for attorneys and $206–$250 for paralegals, listed in ECF 30-1); *see also Brazile v. Comm'r of Soc. Sec.*, 2022 WL 503779, at *3 (W.D. Wash. Feb. 18, 2022) (noting "that fee awards with hourly rates exceeding $1,000 have been approved by courts in this district on numerous occasions," and citing cases).

C. Class Counsel's fee request represents a very modest multiplier.

Trial courts have discretion to adjust a lodestar upward to compensate attorneys for the contingent nature of the recovery of fees. *Bowers*, 100 Wn.2d at 601 (affirming 50% increase of lodestar to reflect "contingent nature of success" in the case). Multipliers are commonplace in attorneys' fee awards in class actions, and typically range from one to four. *See Vizcaino v. Microsoft Corp.,* 290 F.3d 1043, 1051 n.6 (9th Cir. 2002) (collecting cases and finding that in

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approximately 83% the multiplier was between 1.0 and 4.0, and affirming a 3.65 multiplier). As the Washington Supreme Court has recognized, "[t]he experience of the marketplace indicates that lawyers generally will not provide legal representation on a contingent basis unless they receive a premium for taking that risk." *Bowers*, 100 Wn.2d at 598 (citation omitted); *see also* Richard A. Posner, Economic Analysis of Law 783 (8th ed. 2011) ("A contingent fee must be higher than a fee for the same legal services paid as or after they are performed. The contingent fee compensates the lawyer not only for the legal services he renders but for the loan of those services. The implicit interest rate on such a loan is high because the risk of default (the loss of the case, which cancels the client's debt to the lawyer) is much higher than in the case of conventional loans, and the total amount of interest is large not only because the interest rate is high but because the loan may be outstanding for years—and with no periodic part payment, a device for reducing the risk borne by the ordinary lender.").

When evaluating a multiplier, courts consider the risk of nonpayment, delay in payment, benefit obtained for the class, and quality of representation. *See* Annotated Manual for Complex Litig. § 14.122 (4th ed. Sept. 2024 update). The Washington Supreme Court has said the factors set out in Rule of Professional Conduct 1.5(a) may also guide a court's analysis, including the novelty and difficulty of the question involved and the skill required to perform the legal services properly, whether the representation precludes other employment, the fee customarily charged in the locality for similar legal services, the amount involved, and the results obtained. *See Mahler v. Szucs*, 135 Wn.2d 398, 433 n.20 (1998), *implied overruling on other grounds recognized by Matsyuk v. State Farm Fire & Cas. Co.*, 173 Wn.2d 643, 659 (2012).

These factors support a modest multiplier of 1.004 on Class Counsel's lodestar of $4,982,877.50. Class Counsel assumed a significant risk of nonpayment, particularly given the challenges of applying existing laws to new technology. They litigated for five years without payment, foregoing other cases that might have resulted in more certain or earlier payment. Class Counsel's determination to see this case through while facing VM's tenacious defense resulted in an outstanding settlement payment of up to $6,750,000 to the Class and VM's

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agreement to maintain changes to its practices. Class Counsel's work on behalf of the Class continues, as they will move for final approval and attend the hearing to answer any questions the Court may have about the settlement, answer class members' inquiries, and ensure the claims process is implemented fairly and consistent with the settlement terms.

Class Counsel respectfully submit that a fee award of $5,000,000 is appropriate.

D. Class Counsel should be awarded their litigation costs.

VM has agreed to pay Class Counsel's litigation costs of $378,601 separately from payments to Class members. Class Counsel categorized these costs in their declarations, including filing fees, deposition, court reporter, and transcript costs, expert and mediation fees, class notice costs, and travel, electronic research, postage, and document management costs. Barnes Decl. ¶ 26; Terrell Decl. ¶ 32; Gorny Decl. ¶ 22; Koncius Decl. ¶ 19. They are reasonable, particularly for a class case that settled as the parties were preparing for trial. *See* Newberg & Rubenstein on Class Actions § 16:1 (6th ed. Nov. 2024 update) ("the class action court—as a fiduciary for the absent class members—must ensure that the request for reimbursement of costs is 'reasonable'"); RCW 19.86.090.

E. Plaintiff's request for a $10,000 service award should be approved.

"At the conclusion of a class action, the class representatives are eligible for a special payment in recognition of their service to the class." Newberg § 17:1. "Empirical evidence shows that incentive awards are now paid in most class suits and average between $10,000 to $15,000 per class representative." *Id.* Service awards "are intended to compensate class representatives for work undertaken on behalf of a class" and "'are fairly typical in class action cases.'" *In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 943 (9th Cir. 2015) (citation omitted); *see Probst v. State of Washington Dep't of Ret. Sys.*, 150 Wn. App. 1062, 2009 WL 1863993, at *6 (2009) (unpublished) (affirming service award of $7,500). They may also recognize the financial or reputational risk the class representative undertook and their willingness to act as private attorneys general. *Rodriguez v. W. Publishing*, 563 F.3d 948, 958-59 (9th Cir. 2009). Service awards are generally approved if they are reasonable and do not

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936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
www.terrellmarshall.com

undermine the class representative's adequacy. *Radcliffe v. Experian Info. Solutions,* 715 F.3d 1157, 1164 (9th Cir. 2013).

Plaintiff requests a service award of $10,000 to recognize his efforts on behalf of the Class. He assisted with the litigation for over four years by participating in discovery, being deposed, and preparing to testify at trial. His willingness to step forward and share his confidential health information was instrumental to the successful resolution of this case. Other courts approve similar service awards under these circumstances. *See, e.g., Pelletz v. Weyerhaeuser Co.*, 592 F. Supp. 2d 1322, 1329-30 & n.9 (W.D. Wash. 2009) (collecting cases approving service awards from $5,000 to $40,000); *Tuttle v. Audiophile Music Direct,* 2023 WL 8891575, at *16 (W.D. Wash. Dec. 26, 2023) (finding $10,000 service award reasonable).

VI. CONCLUSION

Plaintiff requests the Court award an attorneys' fee of $5,000,000, costs of $378,601, and a service award of $10,000.

RESPECTFULLY SUBMITTED AND DATED this 26th day of February, 2025.

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I certify that this memorandum contains 4,187 words, in compliance with the Local Civil Rules.

By: /s/ Beth E. Terrell, WSBA #26759
Beth E. Terrell, WSBA #26759
Email: bterrell@terrellmarshall.com
Amanda M. Steiner, WSBA #29147
Email: asteiner@terrellmarshall.com
Ryan Tack-Hooper, WSBA #56423
Email: rtack-hooper@terrellmarshall.com
Benjamin M. Drachler, WSBA #51021
Email: bdrachler@terrellmarshall.com
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603

Jason "Jay" Barnes, *Admitted Pro Hac Vice*
Email: jaybarnes@simmonsfirm.com
Eric S. Johnson, *Admitted Pro Hac Vice*

Email: ejohnson@simmonsfirm.com
Jenny Paulson
Email: jpaulson@simmonsfirm.com
SIMMONS HANLY CONROY LLC
One Court Street
Alton, Illinois 62002
Telephone: (618) 259-2222

Stephen M. Gorny, *Admitted Pro Hac Vice*
Email: steve@gornylawfirm.com
Christopher D. Dandurand,
Admitted Pro Hac Vice
Email: chris@gornylawfirm.com
GORNY DANDURAND, LC
4330 Belleview Avenue, Suite 200
Kansas City, Missouri 64111
Telephone: (816) 756-5071

Jeffrey A. Koncius, *Admitted Pro Hac Vice*
Email: koncius@kiesel.law
Nicole Ramirez, *Admitted Pro Hac Vice*
Email: ramirez@kiesel.law
KIESEL LAW LLP
8648 Wilshire Blvd.
Beverly Hills, California 90211
Telephone: (310) 854-4444

Class Counsel

DECLARATION OF SERVICE

I, Beth E. Terrell, hereby certify that on February 26, 2025, I caused true and correct copies of the foregoing to be served via the means indicated below:

Paul G. Karlsgodt, WSBA #40311 Email: pkarlsgodt@bakerlaw.com BAKER & HOSTETLER LLP 1801 California Street, Suite 4400 Denver, Colorado 80202 Telephone: (303) 861-0600 Facsimile: (303) 861-7805	☐ U.S. Mail, postage prepaid ☐ Hand Delivered via Messenger Service ☐ Overnight Courier ☐ Facsimile ☐ Electronic Mail ☒ Via King County Electronic Filing Notification System
Logan F. Peppin, WSBA #55704 Email: lpeppin@bakerlaw.com Alexander Vitruk, WSBA #57337 Email: avitruk@bakerlaw.com BAKER & HOSTETLER LLP 999 Third Avenue, Suite 3900 Seattle, Washington 98104-4076 Telephone: (206) 332-1380 Facsimile: (206) 624-7317 *Attorneys for Defendants*	☐ U.S. Mail, postage prepaid ☐ Hand Delivered via Messenger Service ☐ Overnight Courier ☐ Facsimile ☐ Electronic Mail ☒ Via King County Electronic Filing Notification System

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

DATED this 26th day of February, 2025.

By: /s/ Beth E. Terrell, WSBA #26759
Beth E. Terrell, WSBA #26759

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
www.terrellmarshall.com