

The Honorable Andrea K. Robertson
Hearing Date: June 10, 2024
Without Oral Argument

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

DONALD GEDDIS, ERIC SHARP, and
BRANDON BELL, individually and on
behalf of all those similarly situated,

Plaintiffs,

v.

TRIPLE CANOPY, INC., a foreign
corporation,

Defendant.

No. 22-2-12102-5 SEA

ORDER GRANTING SETTLEMENT
CLASS CERTIFICATION AND
PRELIMINARY APPROVAL OF CLASS-
WIDE SETTLEMENT

This matter comes before the Court on Plaintiffs' Unopposed Motion for Settlement Class Certification and Preliminary Approval of Class-Wide Settlement. The Court has reviewed the papers filed in connection with the Motion, including the declaration of Plaintiffs' counsel, Adam J. Berger, and exhibits thereto.

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

1. The Court finds that the prerequisites of CR 23(a) and (b)(3) are satisfied for the Settlement Class, as defined by the parties and set forth below. Specifically, the

1 Settlement Class, which consists of approximately 382 individual workers, is sufficiently
2 numerous such that joinder of all members is impracticable. Further, there are questions of
3 law and fact common to the Settlement Class, including, but not limited to: whether the
4 operational requirements of Class Members' jobs prevented them from getting adequate
5 meal breaks; whether Defendant Triple Canopy provided sufficient staffing and other
6 opportunities for guards to receive meal breaks; whether Triple Canopy provided
7 additional compensation for guards when they missed their meal breaks; and whether
8 Triple Canopy's practices constituted willful withholding of wages under the Wage
9 Rebate Act, RCW 49.52. The Court also finds that the Named Plaintiffs' claims are typical
10 of the claims of the Settlement Class, and that Plaintiffs and their counsel will fairly and
11 adequately protect the interests of the Settlement Class. Finally, certification of a settlement
12 class under CR 23(b)(3) is appropriate because questions of law and fact common to all
13 Settlement Class Members predominate over any questions that might affect only individual
14 members in the context of the proposed settlement, and a class action settlement is superior
15 to other available means for the fair and efficient resolution of this controversy.
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18 2. Pursuant to Civil Rule 23(a) and (b)(3), the Court certifies this matter as a
19 class action for settlement purposes, with the Settlement Class defined as follows:

20 Plaintiffs and all other individuals who were employed by Triple Canopy in
21 the State of Washington as hourly-paid protective security guards at any time
22 from August 1, 2019 through and including February 28, 2023 (the
"Settlement Class Period").

23 3. The Court appoints Named Plaintiffs Donald Geddis, Eric Sharp, and Brandon
24 Bell as Class Representatives, and Adam J. Berger and Elizabeth A Hanley of Schroeter
25 Goldmark & Bender as Class Counsel.
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1 4. The Court preliminarily finds that the parties' proposed Settlement falls within
2 the range of a fair, reasonable, and adequate settlement and notice of the proposed Settlement
3 should be given to the Settlement Class.

4 5. The Court approves the appointment of Atticus Administration LLC as
5 Settlement Administrator with the duties and responsibilities set forth by the parties in the
6 Settlement Agreement. The Court preliminarily approves Atticus's fee for these services, in
7 an amount not to exceed \$12,000.

8 6. The Court approves the form and content of the parties' proposed notice to the
9 Settlement Class (the "Notice") that is attached as Exhibit 2 to the Declaration of Adam J.
10 Berger.

11 7. The Court concludes that the manner of giving notice by U.S. mail and also by
12 making the Notice available to be read online satisfies CR 23 and the requirements of due
13 process. Consistent with the terms of the parties' Settlement Agreement, the Court directs
14 Defendants to provide the Settlement Administrator with current contact information for each
15 member of the Settlement Class within fifteen business (15) days of the entry of this Order;
16 and further directs the Settlement Administrator to, in turn, mail a copy of the Notice to each
17 member of the Settlement Class within thirty (30) calendar days of the date of preliminary
18 approval.

19 8. Individuals who receive the Notice and wish to exclude themselves ("opt
20 out") from the Settlement Class must do so within thirty (30) days of the Notice date by
21 following the instructions as set forth in the Notice.

22 9. Members of the Settlement Class who do not "opt out" may submit a written
23 objection to any of the terms of the proposed settlement within thirty (30) days of the Notice
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1 date, by following the instructions as set forth in the Notice. Only individuals who file a
2 timely, written objection to the settlement will be permitted to appeal or seek review of this
3 Court's decision approving or rejecting the settlement.

4 10. The Court conditionally approves Class Counsel's request for an attorneys'
5 fee award of 20% of the Maximum Settlement Amount (or \$360,000.00) plus reasonable
6 litigation costs, not to exceed \$12,500.00. This approval is preliminary and is subject to
7 modification at the time of final settlement approval.

8 11. The Court preliminarily approves an incentive payment of \$5,000 each to
9 Named Plaintiffs Donald Geddis, Eric Sharp, and Brandon Bell in recognition of their efforts
10 in this case and service to the Settlement Class. This approval is preliminary and is subject to
11 modification at the time of final settlement approval.

12 12. On Tuesday, September 10, 2024, at 10:15 am, the Court will conduct a
13 hearing ("Final Settlement Hearing") to determine whether to approve the settlement as fair,
14 reasonable, and adequate, which, if so approved, will result in a dismissal of the case with
15 prejudice. The Final Settlement Hearing may, without further notice to the Settlement Class,
16 be continued or adjourned by order of this Court. Such hearing will take place at the King
17 County Superior Court in Seattle, WA located at 516 3rd Ave Seattle 98104, Court E-815.

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

21 14. The Court directs Class Counsel to submit a motion for final approval of the
22 settlement, along with a proposed order approving the settlement and awarding Class
23 Counsels' fees/costs and incentive payments for Class Representatives no later than six (6)
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1 calendar days prior to the date of the Final Settlement Approval Hearing. Such papers shall
2 also inform the Court whether the mailing to the Settlement Class was completed in
3 accordance with the requirements of this Order, and provide information concerning any opt-
4 outs or objections received as a result of such mailing.

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

8 IT IS SO ORDERED this 12th day of June, 2024.

9
10 *Electronic signature to follow*
The Honorable Andrea K. Robertson

11 Presented by:

12 SCHROETER GOLDMARK & BENDER
13 *Plaintiffs' Counsel*

14 *s/ Adam J. Berger*
Adam J. Berger, WSBA #20714
15 berger@sgb-law.com
Elizabeth Hanley, WSBA #38233
16 hanley@sgb-law.com

17 Approved as to Form:

18 JACKSON LEWIS P.C.
19 *Attorneys for Defendant*

20 *s/ Peter H. Nohle*
Peter H. Nohle, WSBA #35849
21 520 Pike Street, Suite 2300
Seattle, WA 98101
22 206-626-6412
Peter.Nohle@jacksonlewis.com

King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-2-12102-5
Case Title: GEDDIS ET AL VS TRIPLE CANOPY INC ET ANO
Document Title: ORDER RE SETTLEMENT CLASS CERT, SET HEARING

Signed By: Andrea Robertson
Date: June 12, 2024



Judge: Andrea Robertson

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 91CA01BD9E0F7B1F0FDDB8476C1BC53108D3369C
Certificate effective date: 1/6/2021 3:25:19 PM
Certificate expiry date: 1/6/2026 3:25:19 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Andrea Robertson:
yB71riJ16hG1sZ0o/CyjcQ=="