

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

TRACY DAVIES; ASHLEY  
DEWITT, individually and on  
behalf of all others similarly  
situated,

Civ. No. 6:21-cv-00825-AA,

Plaintiffs,

**OPINION & ORDER**

v.

PEACEHEALTH,

Defendant.

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AIKEN, District Judge.

This matter comes before the Court on Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement, ECF No. 26, and Plaintiffs' Unopposed Motion for Attorney Fees and Costs, ECF No. 23. A Telephonic Final Fairness Hearing was held on October 23, 2023. ECF No. 29. It is hereby ordered:

1. The Unopposed Motion for Final Approval of Class Action Settlement, ECF No. 26, is GRANTED.
2. Under the heightened standard scrutiny for potential collusion, the Court concludes that the settlement is fair, adequate, and reasonable.

3. The Court hereby certifies the Class, as defined in the Court's prior Order, pursuant to Federal Rule of Civil Procedure 23(a) and (b) solely for purposes of settlement.
4. All Class Members who timely requested exclusion are excluded from the Class.
5. There were two objections to the proposed settlement, Stutheit Decl. Exs. E and D. ECF Nos. 27-4, 27-5. For the reasons discussed at the final fairness hearing, the objections are overruled.
6. Defendant is directed to pay the settlement amount of \$7,350,000 into a common fund held by JND Legal Administration LLC ("JND") in trust no later than fifteen (15) calendar days after the Settlement Effective Date.
7. Plaintiffs' Unopposed Motion for Attorney Fees and Costs, ECF No. 23, is GRANTED. Class Counsel are awarded attorney fees in the amount of \$1,837,500 and costs in the amount of \$24,653.63 to \$26,653.63, as requested in Plaintiffs' Unopposed Motion for Attorney Fees and Costs.
8. Representative Plaintiff Tracy Davies is awarded a service award in the amount of \$7,500.
9. Representative Plaintiff Ashley DeWitt is awarded a service award in the amount of \$7,500.
10. Settlement Administrator JND is awarded costs and expenses in the amount of \$65,000.

11. JND is to distribute all funds or amounts pursuant to the Settlement Agreement or by court order, including payments to Class Members, Representative Plaintiffs, and Class Counsel.

12. This case is DISMISSED and final judgment shall be entered accordingly.

It is so ORDERED and DATED this 26th day of October 2023.

/s/Ann Aiken  
ANN AIKEN  
United States District Judge