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The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN MCCLINTIC, on behalf of himself)
and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
LITHIA MOTORS, INC.)
)
Defendant.)

No. 11-cv-00859

**DECLARATION OF ERIN M.
WILSON IN SUPPORT OF LITHIA
MOTORS, INC.'S OPPOSITION TO
PLAINTIFF-INTERVENOR DAN
McLAREN'S MOTION TO
INTERVENE**

ERIN M. WILSON declares as follows:

1. I am an attorney at Lane Powell PC, counsel for Lithia Motors, Inc. ("Lithia").

I make the following statements based upon my personal knowledge of the facts set forth herein.

2. Kevin McClintic, on behalf of himself and similarly situated individuals, filed a putative class action in King County Superior Court against Lithia on April 21, 2011. Attached hereto as **Exhibit A** is a true and correct copy of the complaint filed in King County Superior Court.

3. The parties to this action agreed to early mediation of their dispute in order to avoid the substantial costs and uncertainty of litigation. DMEautomotive, LLC ("DME"), a vendor of Lithia who assisted in the text message program, was invited to, and did, participate in the mediation. On July 5, 2011, the parties participated in a lengthy mediation in Seattle,

DECLARATION OF ERIN M. WILSON - 1
Case No. 11-cv-00859

075801.0145/5146920.1

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1 Washington, with the Honorable Terrence Lukens (Ret.) serving as mediator. Judge Lukens
2 has mediated numerous TCPA cases involving counsel for both parties. The parties
3 subsequently finalized their settlement negotiations, and McClintic moved the Court for
4 preliminary settlement approval on August 8, 2011. Although DME was not a party to this
5 action, DME actively participated in the mediation and provided data necessary for the parties
6 to formulate a fair settlement.

7 4. McLaren initiated an action in the District of Oregon, Cause No. 11-cv-00810
8 MO nearly two and a half months after the *McClintic* case began. Attached hereto as **Exhibit**
9 **B** is a true and correct copy of the original complaint filed against Lithia in the District of
10 Oregon. Lithia first learned that McLaren's action in Oregon had been filed at the end of a
11 long day of mediation of this case with Judge Lukens.

12 5. After McLaren learned that the McClintic parties were completing a
13 settlement, he amended his complaint in the Oregon action on July 21, 2011, primarily in
14 order to add DME as a party. Attached hereto as **Exhibit C** is a true and correct copy of the
15 amended complaint filed against Lithia in the District of Oregon.

16 6. Attached hereto as **Exhibit D** is a true and correct copy of the Final Judgment
17 and Order of Dismissal with Prejudice filed in *Satterfield v. Simon & Schuster, Inc.* Attached
18 hereto as **Exhibit E** is a true and correct copy of Plaintiffs' Notice of Motion and Motion for
19 Final Approval of Class Action Settlement Agreement and Award of Attorneys' Fees and
20 Expenses and Incentive Awards filed in *Satterfield v. Simon & Schuster, Inc.*

21 7. Attached hereto as **Exhibit F** is a true and correct copy of the Final Judgment
22 and Order of Dismissal with Prejudice filed in *Lozano v. Twentieth Century Fox Film Corp.*
23 Attached hereto as **Exhibit G** is a true and correct copy of Plaintiffs' Uncontested Motion and
24 Memorandum in Support of Final Approval of Class Action Settlement, Approval of
25 Attorneys' Fees, and Incentive Award filed in *Lozano v. Twentieth Century Fox Film Corp.*
26

DECLARATION OF ERIN M. WILSON - 2
Case No. 11-cv-00859

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8. Attached hereto as **Exhibit H** is a true and correct copy of the Final Judgment and Order of Dismissal with Prejudice filed in *Weinstein v. AirIt2Me, Inc.* Attached hereto as **Exhibit I** is a true and correct copy of Plaintiffs’ Motion and Memorandum in Support of Final Approval of Class Action Settlement and Petition for Approval of Attorneys’ Fees and Plaintiffs’ Incentive Awards filed in *Weinstein v. AirIt2Me, Inc.*

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

DATED this 8th day of August, 2011, at Seattle, Washington.

s/Erin M. Wilson
Erin M. Wilson

1 **CERTIFICATE OF SERVICE**

2 Pursuant to RCW 9.A.72.085, the undersigned certifies under penalty of perjury under
3 the laws of the State of Washington, that on the 8th day of August, 2011, the document
4 attached hereto was presented to the Clerk of the Court for filing and uploading to the
5 CM/ECF system. In accordance with their ECF registration agreement and the Court's rules,
6 the Clerk of the Court will send e-mail notification of such filing to all CM/ECF participants
7 and any non-CM/ECF participants will be served in accordance with the Federal Rules of
8 Civil Procedure.

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22 *ATTORNEY TO BE NOTICED*

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DECLARATION OF ERIN M. WILSON - 4
Case No. 11-cv-00859

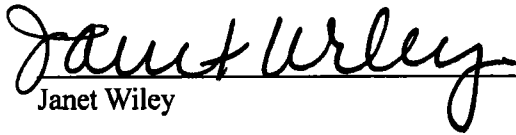
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DATED this 8th day of August, 2011 at Seattle, Washington.


Janet Wiley

DECLARATION OF ERIN M. WILSON - 5
Case No. 11-cv-00859

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