

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. 2:11-cv-00859-RAJ

DECLARATION OF ROB WILLIAMSON IN
SUPPORT OF PLAINTIFF MCCLINTIC'S
SURREPLY TO PROPOSED PLAINTIFF-
INTERVENOR MCLAREN'S COMBINED
REPLY IN SUPPORT OF HIS MOTION TO
INTERVENE

I, Rob Williamson, hereby declare as follows:

1. I am one of the attorneys for the plaintiff, Kevin McClintic, in this action, and make this declaration based upon my personal knowledge.

2. Judge Lukens contacted McLaren's counsel at the request of counsel for the parties in this case, not on his own initiative.

3. Plaintiff's counsel has conversed with Judge Lukens both before and after his contacts with McLaren's counsel and can assure the Court that McLaren's representations concerning Judge Lukens' statements are false as regards the consideration by McClintic's and Lithia's counsel of the claims of persons like Mr. McLaren who had tried to opt out from receiving additional texts.

DECLARATION OF ROB WILLIAMSON IN SUPPORT OF PLAINTIFF
MCCLINTIC'S SURREPLY TO PROPOSED PLAINTIFF-INTERVENOR
MCLAREN'S COMBINED REPLY IN SUPPORT OF HIS MOTION
TO INTERVENE - 1
(No. C11-00859-RAJ)

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1 4. As a result of McLaren's counsel's representations regarding his actions and
2 motives, Judge Lukens referred the issue to counsel for JAMS which is currently reviewing it.

3
4 5. Settlement of class actions, including those cited by McLaren's counsel and the
5 proposed settlement in the instant case, often involves a "claims made" process. Class members
6 receive notice and a claim form which must be timely and properly submitted in order for
7 claimant benefits to be paid. During claims made settlement negotiations, defendants seek to
8 establish a total cap on the amount that will be paid for claims, costs of administration, class
9 representative fees and costs and fees of counsel so that they achieve certainty as to the
10 maximum potential pay-out. Claims rates are generally below 10%, and often below 5%. In the
11 settlement submitted to the Court, the parties attempted to make a realistic estimate of the
12 potential claims rate and to provide, depending on claim rates, either for a pro ration reduction of
13 payments to class members who make claims or a payment of any unspent funds to the Legal
14 Foundation of Washington. Plaintiff's counsel's proposed fees are also based on this realistic
15 estimate.
16

17 I declare under penalty of perjury of the laws of the state of Washington that the
18 foregoing statements are true and correct.
19

20 Dated: August 17, 2011

21 WILLIAMSON & WILLIAMS
22 /s/ Rob Williamson
23 Rob Williamson, WSBA #11387
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TO INTERVENE - 2
(No. C11-00859-RAJ)

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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record who receive CM/ECF notification, and that the remaining parties shall be served in accordance with the Federal Rules of Civil Procedure.

Dated this 17th day of August 2011.

By s/Rob Williamson
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TO INTERVENE - 3
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