

HON. ROBERT S. LASNIK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

<p>Z.D., by and through her parents and guardians, J.D. and T.D., individually, on behalf of THE TECHNOLOGY ACCESS FOUNDATION HEALTH BENEFIT PLAN, and on behalf of similarly situated individuals,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>GROUP HEALTH COOPERATIVE; GROUP HEALTH OPTIONS, INC.; and THE TECHNOLOGY ACCESS FOUNDATION HEALTH BENEFIT PLAN,</p> <p style="text-align: center;">Defendants.</p>

NO. C11-1119RSL

ORDER:

- (1) PRELIMINARILY APPROVING SETTLEMENT;
- (2) APPROVING AND DIRECTING CLASS NOTICE; AND
- (3) SCHEDUING A FINAL SETTLEMENT APPROVAL HEARING

This matter comes before the Court on the parties' Joint Motion for Preliminarily Approval of Settlement Agreement (Dkt. # 154). The motion (Dkt. # 154) is GRANTED. It is hereby ORDERED as follows:

(1) Based on the record before it, the Court tentatively finds, pursuant to Federal Rule of Civil Procedure 23(e), that the proposed Settlement Agreement attached as *Appendix 1* to the Motion for Preliminary Approval of Settlement

1 Agreement is fair, reasonable and adequate. The Settlement essentially locks in place
2 the Court's Orders in this litigation, subject only to differing directives from statute,
3 regulation, or a Final Decision (as defined in the Agreement) from a Washington State
4 appellate court. The Settlement also provides a reasonable mechanism for payment of
5 attorneys' fees and costs. The Court's preliminary approval is subject to change
6 pending the outcome of the final settlement approval hearing ("Settlement Approval
7 hearing") established herein.

8 (2) The Court finds that notice of the proposed Settlement Agreement may
9 be achieved by posting on Defendant's website only.

10 (3) A hearing to consider whether the proposed Settlement Agreement is
11 fair, reasonable, and adequate and should be finally approved is scheduled for
12 September 26, 2013 at 8:30 a.m. at the United States District Court for the Western
13 District of Washington, 700 Stewart Street, Seattle, WA 98101.

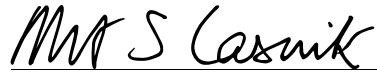
14 (4) Class members who wish to comment on or object to the proposed
15 Settlement Agreement must submit written comments or objections to the Court no
16 later than September 13, 2013.

17 (5) Class members who wish to appear at the final Settlement Approval
18 hearing may do so if they submit written notice to the Court, with copies to counsel,
19 that they intend to appear in person or through counsel. If a class member wishes to
20 appear in person or through counsel at the hearing, he or she must also describe the
21 nature of their comment or objection in their written notice of intent to appear. Written
22 notice of intent to appear must be filed with the Court and mailed to counsel by
23 September 13, 2013.

24 (6) A Motion for Final Approval of the Settlement Agreement, together with
25 any supporting declarations or other documentation, must be filed by no later than
26

1 September 20, 2013. Class counsel shall also mail the Motion to all Class Members who
2 object or file written notice with the Court that they intend to appear at the final
3 Settlement Approval hearing.

4 It is so ORDERED this 19th day of August, 2013.

5
6 
7 Robert S. Lasnik
8 United States District Judge
9

10 Presented by:

11 SIRIANNI YOUTZ
12 SPOONEMORE HAMBURGER

13 /s/ Eleanor Hamburger
14 Richard E. Spoonemore (WSBA #21833)
15 Eleanor Hamburger (WSBA #26478)
16 Attorneys for Plaintiffs

17 and

18 DAVIS WRIGHT TREMAINE, LLC

19 /s/ Douglas C. Ross
20 Douglas C. Ross (WSBA #12811)
21 Rebecca Francis (WSBA #41196)
22 Attorneys for Defendants
23
24
25
26