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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH WRIGHT, on his own behalf and
on behalf of other similarly situated persons,

Plaintiff,

v.

LYFT, INC., a Delaware Corporation,

Defendants.

Case No. 2:14-cv-00421-BJR

**AMENDED ORDER GRANTING
STIPULATED MOTION TO CERTIFY
QUESTIONS TO THE WASHINGTON
SUPREME COURT**

This matter came before the Court on the Stipulated Motion to Certify Questions to the Washington Supreme Court. Having considered the motion, the papers filed in support of the motion, and the files and records herein, the Stipulated Motion to Certify Questions to the Washington Supreme Court is GRANTED and the following issues are hereby certified to the Washington Supreme Court under RCW 2.60.020:

1. Does the recipient of a text message that violates the Consumer Electronic Mail Act, Ch. 19.190 RCW (“CEMA”), have a private right of action for damages (as opposed to injunctive relief) directly under that statute?

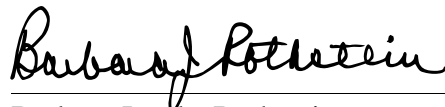
- 1 2. Does the liquidated damages provision of CEMA, RCW
2 19.190.040(1), establish the causation and/or injury elements of
3 a claim under the Washington Consumer Protection Act, Ch.
4 19.86 RCW (“CPA”), as a matter of law or must the recipient of
5 a text message that violates CEMA first prove injury in fact
6 before he or she can recover the liquidated damage amount?

7 The Clerk of the Court is directed to submit to the Supreme Court of Washington
8 certified copies of this Order, a copy of the docket in the above-captioned matter, and Dkt. Nos.
9 54, 56-60, 63, 65, and 71. The record so compiled contains all matters in the pending cause
10 deemed material for consideration of the state law questions certified for answer.

11 The defendant in this action is designated as the appellant before the Supreme Court of
12 Washington. The Clerk of the Court shall notify the parties as soon as possible, but no more than
13 three days, after the above-described record is filed in the Supreme Court of Washington. The
14 parties are referred to state RAP 16.16 for additional information regarding procedures before the
15 Supreme Court.

16 The case will remain STAYED until the Supreme Court of Washington answers the
17 certified questions.

18 DATED this 17th day of _February_, 2017.

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22 Barbara Jacobs Rothstein
23 U.S. District Court Judge

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Presented by:

/s/ Donald W. Heyrich
Donald W. Heyrich, WSBA #23091

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that on the 9th day of February, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel on record in the matter.

/s/ Donald W. Heyrich
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