

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 SARAH CONNOLLY, individually and  
8 on behalf of all others similarly situated,

9 Plaintiff,

10 v.

11 UMPQUA BANK,

12 Defendant.

Case No. 2:15-cv-00517-TSZ

**ORDER APPROVING CLASS  
ACTION SETTLEMENT AND  
JUDGMENT**

13 THIS MATTER comes before the Court on plaintiff's motion for final approval of  
14 class action settlement, docket no. 104, and plaintiff's motion for attorney's fees, costs,  
15 and an incentive award, docket no. 102. The Court previously granted preliminary  
16 approval of the class action settlement proposed by the parties. *See* Minute Order (docket  
17 no. 101); Order (docket no. 99). In its prior Order, the Court certified the following Class  
for settlement purposes:

18 All individuals (i) who applied for employment with, or are/were employed  
19 by, Umpqua Bank, (ii) who completed a disclosure and authorization form  
20 during the Class Period, defined as April 2, 2010 – September 21, 2015, and  
(iii) about whom Umpqua Bank obtained, during the Class Period, a  
consumer report for employment purposes.

21 Order at ¶ 1 (docket no. 99).  
22

1 Notice of the proposed class action settlement and of the final approval hearing  
2 scheduled for February 21, 2019, was sent to all members of the Class in the manner  
3 described in the Declaration of Jennifer M. Keough, the Chief Executive Officer of  
4 JND Legal Administration, which is the Settlement Administrator for this matter. *See*  
5 Keough Decl. at ¶¶ 5-7 (docket no. 104-3). In addition, since late October 2018, the  
6 Settlement Administrator has maintained a website and a toll-free telephone number  
7 related to the proposed class action settlement. *Id.* at ¶¶ 8-11. The Court previously  
8 determined that the methods of transmitting notices to class members, along with the  
9 maintenance of a dedicated website, were the best notice practicable under the  
10 circumstances and comported with Federal Rule of Civil Procedure 23 and the Due  
11 Process Clause of the United States Constitution. Minute Order at ¶ 1(g) (docket  
12 no. 101). Notice of the proposed class action settlement was also sent to appropriate  
13 federal and state officials pursuant to 28 U.S.C. § 1715. *See* Howard Decl. (docket  
14 no. 98).

15 Having considered all papers filed in support of plaintiff's motions, having  
16 conducted a hearing on February 21, 2019, at which time all interested persons were  
17 provided an opportunity to be heard, and having received no oral or written objection to  
18 the proposed class action settlement, the Court CONCLUDES that the proposed class  
19 action settlement is fair, adequate, reasonable, and in the best interests of the Class, and  
20 hereby GRANTS plaintiff's motions, docket nos. 102 and 104, as follows.  
21  
22

1 IT IS ORDERED, ADJUDGED, AND DECREED:

2 1. The Court has jurisdiction over the subject matter of this lawsuit and over  
3 the parties to this litigation, including all members of the Class.

4 2. The Revised Settlement Agreement and Release of Claims (“Settlement  
5 Agreement”), Exhibit 1 to the Declaration of Elizabeth Ryan, docket no. 95-3, is  
6 APPROVED. The terms and definitions contained in the Settlement Agreement, except  
7 as modified by the Court, are incorporated by reference into this Order and Judgment.

8 3. The Class shall include all individuals included within the definition of the  
9 Class set forth in Paragraph 1 of the Order entered August 28, 2018, docket no. 99,<sup>1</sup> but  
10 shall exclude the individuals identified in Paragraph 2 of the same Order. Among the  
11 persons excluded from the Class are the following individuals who have opted out of the  
12 settlement of this matter: Veronica N. Andreas, Olena A. Bably, Anthony Lynn Bailey,  
13 William Ray Brobst, Lynette W. Chen-Wagner, Justin Tyler Curry, and Lynae Marin  
14 Williams. See Ex. E to Keough Decl. (docket no. 104-3); see also Ex. A to Keough  
15 Supp. Decl. (docket no. 109).

---

17 <sup>1</sup> The Settlement Administrator received 106 claim forms from individuals certifying that they  
18 applied for employment with or were employed by defendant and otherwise met the definition of  
19 a Class member. See Keough Decl. at ¶ 18 (docket no. 104-3). Of these 106 claim forms, the  
20 Settlement Administrator forwarded to the parties only the 87 claim forms that were timely  
21 submitted. See Keough Supp. Decl. at ¶ 16 (docket no. 109). The Settlement Administrator has  
22 identified 47 of those claims as potentially fraudulent, and defendant has advised that none of the  
23 87 individuals who timely submitted claim forms qualify as a member of the Class. Id. To the  
24 extent that any person who submitted a claim form does not qualify as a member of the Class,  
25 such individual shall not be bound by the settlement or receive any of the benefits of the  
26 settlement.

1           4.     The parties are DIRECTED to perform their respective obligations under  
2 the Settlement Agreement.

3           5.     All claims and causes of action asserted in this litigation are DISMISSED  
4 with prejudice and without costs to any party, except as specifically provided in the  
5 Settlement Agreement and this Order and Judgment. This dismissal is binding on all  
6 members of the Class, provided, however, that the individuals who are excluded from the  
7 Class and/or have opted out of this settlement are not bound by this dismissal.

8           6.     The Class Representative and all members of the Class are, to the extent  
9 provided in the Settlement Agreement, and as otherwise consistent with this Order and  
10 Judgment, conclusively deemed to have released and discharged defendant Umpqua  
11 Bank and all other Released Persons from any and all of the Released Claims as provided  
12 in the Settlement Agreement.

13           7.     Neither this Order and Judgment nor the Settlement Agreement is an  
14 admission or concession by defendant Umpqua Bank of any fault, omission, liability, or  
15 wrongdoing. This Order and Judgment does not constitute a finding concerning the  
16 validity or invalidity of any claims asserted in this action or a determination of any  
17 wrongdoing by defendant Umpqua Bank. In approving the proposed class action  
18 settlement and the Settlement Agreement, the Court expresses no opinion and makes no  
19 determination concerning the merits of the claims and/or defenses of plaintiff, members  
20 of the Class, and/or defendant.

1           8.     Plaintiff's motion for attorney's fees in the amount of \$97,500 and costs in  
2 the amount of \$6,000, docket no. 102, is GRANTED. The Court FINDS that Class  
3 Counsel's requested award of attorneys' fees and costs is fair and reasonable, and  
4 DIRECTS the Settlement Administrator to disburse these amounts from the Settlement  
5 Fund to Class Counsel as provided in the Settlement Agreement.

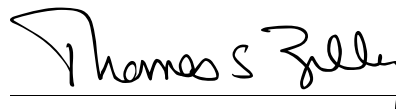
6           9.     Plaintiff's request for an incentive award of \$2,500, docket no. 102, is  
7 GRANTED. The Court FINDS that the requested incentive award is fair and reasonable,  
8 and DIRECTS the Settlement Administrator to disburse this amount from the Settlement  
9 Fund to plaintiff as provided in the Settlement Agreement.

10          10.    Judgment is ENTERED for purposes of Federal Rules of Civil Procedure  
11 58 and 79, and the time period for filing any notice of appeal shall commence upon entry  
12 of this Order and Judgment. Without affecting the finality of this Order and Judgment,  
13 the Court retains jurisdiction over the interpretation, implementation, and enforcement of  
14 the Settlement Agreement.

15          11.    The Clerk is DIRECTED to send a copy of this Order and Judgment to all  
16 counsel of record and to CLOSE this case.

17           IT IS SO ORDERED

18           DATED this 28th day of February, 2019.

19  
20           

21           Thomas S. Zilly  
22           United States District Judge