

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

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

KELLY ERICKSON, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

ELLIOT BAY ADJUSTMENT COMPANY,  
INC. and JOHN DOES 1-25,

Defendants.

Case No. 2:16-cv-00391-JLR

~~PROPOSED~~ ORDER GRANTING  
JOINT MOTION TO DECERTIFY  
CLASS

THIS MATTER has come before the Court upon the parties' Joint Motion to Decertify Class. The Court being fully advised and having specifically reviewed the following:

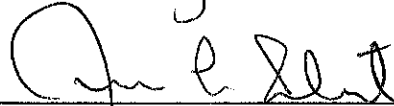
1. Joint Motion to Decertify Class;
2. Declaration of Derrick A. De Vera in Support of Joint Motion to Decertify Class;
3. Declaration of Ian Sandler;
4. \_\_\_\_\_; and
5. \_\_\_\_\_.

The COURT, having heard arguments from counsel, HEREBY GRANTS the parties' Joint Motion to Decertify Class.

(PROPOSED) ORDER GRANTING JOINT MOTION  
CASE NO. 2:16-CV-00391-JLR - 1

SCHWABE, WILLIAMSON & WYATT, P.C.  
Attorneys at Law  
1420 5th Avenue, Suite 3400  
Seattle, WA 98101-4010  
Telephone: 206.622.1711

1 DONE IN OPEN COURT this 10<sup>th</sup> day of August, 2017.

2  
3   
4 JAMES L. ROBART  
United State District Judge

5  
6 Jointly Presented By:

7 CONCORD LAW, P.C.

8  
9 By: /s/ Ryan Pesicka, per authorization  
Ryan Pesicka, WSBA #48182  
10 Email: ryan@concordlawseattle.com  
6608 216<sup>th</sup> Street SW, Suite 107A  
Mountlake Terrace, WA 98043  
11 Tel: 206.512.8029  
*Attorneys for Plaintiff*

12  
13 MARCUS & ZELMAN, LLC

14  
15 By: /s/ Ari Marcus, per authorization  
Ari Marcus (Admitted Pro Hac Vice)  
16 Email: ari@marcuszelman.com  
1500 Allaire Avenue, Suite 101  
Ocean, NE 07712  
17 Tel: 732.695.3282  
*Attorneys for Plaintiff*

18  
19 SCHWABE, WILLIAMSON & WYATT, P.C.

20  
21 By: /s/ Derrick A. De Vera  
Christopher H. Howard, WSBA #11074  
22 Email: choward@schwabe.com  
Derrick A. De Vera, WSBA #49954  
23 Email: ddevera@schwabe.com  
1420 5<sup>th</sup> Avenue, Suite 3400  
Seattle, WA 98101-4010  
24 Tel: (206) 622-1711  
*Attorneys for Defendant*

25  
26 (PROPOSED) ORDER GRANTING JOINT MOTION  
CASE NO. 2:16-CV-00391-JLR - 2

SCHWABE, WILLIAMSON & WYATT, P.C.  
Attorneys at Law  
1420 5th Avenue, Suite 3400  
Seattle, WA 98101-4010  
Telephone: 206.622.1711

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of August, 2017, I caused to be served the foregoing (PROPOSED) ORDER GRANTING JOINT MOTION TO DECERTIFY CLASS on the following parties via United States District Court – Western District of Washington’s Electronic Case Filing System (“ECF”) at the following addresses:

Ryan Pesicka, WSBA #48182  
Concord Law, P.C.  
6608 216th St. SW, Suite 107A  
Mountlake Terrace, WA 98043  
Email: ryan@concordlawseattle.com  
Tel: (206) 512-8029  
Fax: (206) 512-8914  
*Attorneys for Plaintiff*

Ari Marcus  
(Admitted Pro Hac Vice)  
Marcus & Zelman, LLC  
1500 Allaire Avenue, Suite 101  
Ocean, NJ 07712  
Email: ari@marcuszelman.com  
Tel: (732) 695-3282  
*Attorneys for Plaintiff*

SCHWABE, WILLIAMSON & WYATT, P.C.

By: /s/ Derrick A. De Vera  
Christopher H. Howard, WSBA #11074  
Email: [choward@schwabe.com](mailto:choward@schwabe.com)  
Derrick A. De Vera, WSBA #49954  
Email: [ddevera@schwabe.com](mailto:ddevera@schwabe.com)  
1420 5th Avenue, Suite 3400  
Seattle, WA 98101-4010  
Tel: (206) 622-1711  
Fax: (206) 292-0460  
*Attorneys for Defendant, Elliott Bay  
Adjustment Company, Inc.*

CERTIFICATE OF SERVICE - 1

SCHWABE, WILLIAMSON & WYATT, P.C.  
Attorneys at Law  
U.S. Bank Centre  
1420 5th Avenue, Suite 3400  
Seattle, WA 98101-4010  
Telephone 206-622-1711