

The Honorable Robert Lasnik

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANANAIS ALLEN, an individual, and AUSTIN CLOY, an individual,	)	Case No. 2:16-cv-1137 RSL
Plaintiffs,	)	<del>PROPOSED</del> ORDER GRANTING
v.	)	STIPULATED MOTION FOR CLASS
FLIGHT SERVICES AND SYSTEMS, INC.,	)	CERTIFICATION AND APPOINTMENT
a foreign corporation,	)	OF CLASS COUNSEL AND
Defendant.	)	REPRESENTATIVES

Before the Court is the Parties' Stipulated Motion for Class Certification, Appointment of Class Counsel and Class Representatives (the "Stipulated Motion"). The Court has considered the Stipulated Motion, together with its supporting declarations and exhibits.

**I. MOTION FOR CLASS CERTIFICATION.**

UPON CONSIDERATION, the Court finds the Motion for Class Certification should be and hereby is GRANTED.

The Court makes the following Finding with respect to the Stipulated Motion:

**A. Standard of Review**

A party seeking to certify a class must establish that the requirements of Fed. R. Civ. P. 23 are met. *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 617 (1997). A court must engage in a "rigorous analysis" to determine whether the requirements of Fed. R. Civ. P. 23 are satisfied. *Gen. Tel. Co. of the Southwest v. Falcon*, 457 U.S. 147, 161 (1982). However, the evidentiary showing

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1 need not be extensive. *Blackie v. Barrack*, 524 F. 2d 891, 901 (9th Cir. 1975).

2 **B. Plaintiffs have satisfied Fed. R. Civ. P. 23(a)**

3 To be certified under Fed. R. Civ. P. 23(b)(3), Plaintiffs and the proposed Class must first  
4 satisfy all the requirements of Fed. R. Civ. P. 23(a):

5 One or more members of a class may sue or be sued as representative parties on  
6 behalf of all only if (1) the class is so numerous that joinder of all members is  
7 impracticable, (2) there are questions of law or fact common to the class, (3) the  
8 claims or defenses of the representative parties are typical of the claims or defenses  
of the class, and (4) the representative parties will fairly and adequately protect the  
interests of the class.

9 **1. Numerosity.**

10 The Class's size is sufficiently numerous to meet the requirement of numerosity. There  
11 are, at least, hundreds of Class members in the Class. As a general rule a potential class of 40  
12 members is considered impractical to join. *Cox v. Am. Cast Iron Pipe Co.*, 784 F.2d 1546, 1553  
13 (11th Cir.1986). Accordingly, Plaintiffs have met their burden of showing that the proposed Class  
14 is so numerous that joinder is impracticable:  
15

16 **2. Commonality**

17 A class meets the commonality requirement when "the common questions it has raised are  
18 'apt to drive the resolution of the litigation' no matter their number. *Jiminez v. Allstate Ins. Co.*,  
19 765 F.3d 1161, 1165 (9th Cir. 2014). Here, Plaintiffs have alleged that the Defendant engaged in  
20 a common course of conduct by failing to pay the minimum wage mandated by City of SeaTac  
21 Ordinance 7.45.  
22

23 The Class's common questions include:

- 24 ○ Whether the Defendant had a duty to pay its non-managerial employees who  
25 qualify as Transportation Workers under the Ordinance the minimum hourly  
26 wages provided within the Ordinance prior to February 15, 2016.  
○ Whether the Defendant willfully withheld the minimum hourly wages provided

within the Ordinance.

- Whether the Defendant's alleged failure to pay its employees who qualify as Transportation Workers under the Ordinance the minimum hourly wages provided within the Ordinance constituted a statutory violation.
- Whether the Defendant was unjustly enriched by withholding the minimum hourly wages provided within the Ordinance.
- Whether employees who qualify as Transportation Workers under the Ordinance are entitled to receive double damages as result of the Defendant's alleged willful withholding of the minimum hourly wages provided within the Ordinance.

Any one of these common questions of fact and law is sufficient to satisfy the Fed. R. Civ.

P. 23(a) commonality requirement.

### 3. Typicality

The proposed Class Representatives' claims are typical of the Class because Plaintiffs' claims arise from the same alleged course of conduct and are based on the same legal theories regarding the Defendant's allegedly wrongful conduct. Each Class member has claims based on the same legal theories as Plaintiffs, i.e., alleged failure to pay the prevailing minimum wage. Typicality has been interpreted to mean that "a class representative must be part of the class and 'possess the same interest and suffer the same injury' as the class members." *Falcon*, 457 U.S. at 156 (quoting *East Texas Motor Freight Sys., Inc., v. Rodriguez*, 431 U.S. 395, 403 (1977)). Accordingly, Plaintiffs' claims satisfy the typicality requirement of Fed. R. Civ. P. 23.

### 4. Adequacy

The proposed Class Representatives and their counsel will fairly and adequately protect the interests of the Class. Plaintiffs have no antagonistic or conflicting interests with absent Class members and Class counsel are experienced in employment litigation and class action practice.

### 5. The Requirements of Fed. R. Civ. P. 23(b)(3) Are Met.

This dispute for every member of the proposed Class revolves around questions common

1 to the Class, listed above. Answering those common questions will determine the liability (or lack  
2 thereof) of the Defendant to every member of the proposed Class. Accordingly, common questions  
3 predominate over individual questions and answering these questions in a single forum “would  
4 achieve economies of time, effort, and expense, and promote uniformity of decision as to persons  
5 similarly situated, without sacrificing procedural fairness or bringing about other undesirable  
6 results.” 1966 Advisory Committee Notes, Rule 23(b)(3). In addition, a class action is superior  
7 to other available means for the fair and efficient adjudication of this controversy. Fed. R. Civ. P.  
8 23(b)(3) recites that a court should consider: (A) the interest of members of the class in individually  
9 controlling the prosecution or defense of separate actions; (B) the extent and nature of any  
10 litigation concerning the controversy already commenced by or against members of the class; (C)  
11 the desirability or undesirability of concentrating the litigation of the claims in the particular  
12 forum; (D) the difficulties likely to be encountered in the management of a class action. All of  
13 these factors favor certification here. Hundreds of Class members bringing individual claims  
14 would not conserve time, effort and expense or provide a forum for claimants like those here.  
15 Absent Class members are unlikely to have any interest in individually controlling their claims,  
16 and the claims of former employees might go unaddressed but for their inclusion in a class action.  
17 The Defendant has substantial contacts in Washington state and all of the Class members live (or  
18 have lived) here; therefore, this jurisdiction has a particular interest in this matter, making this a  
19 desirable location to litigate these claims.  
20  
21

22 IT is, accordingly, hereby ORDERED, ADJUDGED AND DECREED:

23  
24 1. This action shall be maintained as a Class Action under Fed. R. Civ. P. 23(b)(3)  
25 and on behalf of the following Class:

26 All employees of Flight Services and Systems who have been Transportation

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1 Workers and who worked one or more hours within the City of SeaTac at any  
2 time during the time period from January 1, 2014, to February 15, 2016 who  
3 can be ascertained from Flight Services and Systems' records as having been  
4 paid less than the prevailing minimum wage prescribed by City of SeaTac  
5 Ordinance 7.45.050 050 and who have not recovered back wages under separate  
6 legal action.

7 2. Plaintiffs are appointed Class Representatives.

8 3. Plaintiffs' Counsel are hereby appointed and designated as counsel for the above-  
9 mentioned Class and are authorized to act on behalf of the members of the Class.

10 **IT IS SO ORDERED**

11 DATED: Oct. 30, 2017

12 Mr Lasnik  
13 Hon. Robert S. Lasnik  
14 U.S. District Judge

15 PRESENTED BY:

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