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HONORABLE BENJAMIN H. SETTLE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

DEBORAH LEPINE, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

PETSMART, INC, a Delaware Corporation,

Defendant.

Case No.: 3:17-cv-05488-BHS

**ORDER GRANTING STIPULATED
MOTION FOR SECOND NOTICE
AND DISTRIBUTION PURSUANT TO
COURT-APPROVED CLASS ACTION
SETTLEMENT AGREEMENT**

NOTE ON MOTION CALENDAR:
November 30, 2018

1 The Court, having reviewed and considered the Stipulation of the parties, and good cause
2 appearing for the same, HEREBY ORDERS:

3 1. The Court authorizes the sending of a second notice to the 70 Newly Identified
4 Class Members who were identified after the Court's final approval of the Settlement in this
5 case.

6 2. The Court preliminarily approves the additional settlement payment of \$125,000,
7 in accordance with the finally approved Settlement Agreement. The Court finds that the
8 additional settlement payment is fair and reasonable in that it will compensate the Newly
9 Identified Class Members at the same per-week amount as the original group of Class Members.

10 3. The Court preliminarily approves distribution of the additional Settlement amount
11 including:

- 12 a. \$37,500 as attorneys' fees to Class Counsel, representing 30% of the
13 additional Settlement Amount, the same percentage approved by the
14 Court in its Order Granting Final Approval of Class Action Settlement;
15 b. Litigation costs awarded to Class Counsel which shall not exceed
16 \$1,268.24;
17 c. Administration costs not to exceed \$1,000; and
18 d. The remaining balance to be paid to the Newly Identified Class Members
19 who do not opt-out of the secondary distribution, based on the number of
20 Groom Pay Periods worked by each Newly Identified Class Members
21 during the Class Period and calculated using a Groom Pay Period value of
22 \$17.06.
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24 4. Because the recently discovered Newly Identified Class Members were not
25 provided with notice of the Settlement, notice shall be provided in the same manner already
26 approved by this Court with respect to the initial Class Members:

- 27 a. Within 14 calendar days of this Order, Defendant shall provide the information of the
28

1 Newly Identified Class Members to the Settlement Administrator.

2 b. Within 24 calendar days of this Order, the Settlement Administrator will send the
3 secondary Class Notice attached hereto as **Exhibit A** (“Class Notice”) to the
4 additional Class Members via U.S. First Class Mail.

5 c. Class Members will have 30 calendar days from the date of the mailing to submit
6 requests for exclusion or objections.

7 d. Class Counsel shall file a memorandum of points and authorities in support of
8 their motion for approval of additional attorneys’ fees and litigation expenses no later than
9 January 14, 2019, fourteen (14) calendar days before the end of the time within which the Newly
10 Identified Class Members may object to or opt out of the settlement.

11 e. Class Counsel shall file a memorandum of points and authorities in support of the
12 final approval of the secondary payments no later than February 11, 2019, seven (7) calendar
13 days before the final fairness hearing. The Final Fairness Hearing shall be held at 10:00 a.m. on
14 February 25, 2019, to determine whether the additional settlement payment is fair and reasonable
15 and should be approved.
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17 5. The initial distributions of the \$700,000 Settlement Amount shall be made
18 pursuant to the schedule previously approved by the Court in the Final Approval Order (Dkt. 39)
19 so that the Class Members who are participating in the initial distribution can obtain relief
20 without further delay.
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1 Presented by:

2 s/ Julian Hammond

3 Julian Hammond #52096
4 HAMMOND LAW, P.C.
5 1829 Reisterstown Rd., Suite 410
6 Baltimore, MD 21208
7 Phone:(310) 601-6766
8 Fax:(310) 295-2385
9 Email: jhammond@hammondlawpc.com

s/ Chelsea D. Petersen

s/ Emily A. Bushaw

Chelsea D. Petersen #33787
Emily A. Bushaw #41693
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: (206) 359-3993
Fax: (206) 359-9000
Email: cdpetersen@perkinscoie.com
Email: ebushaw@perkinscoie.com

Attorneys for Defendant Petsmart, Inc.

10 s/ T. David Copley

11 s/ Tana Lin

12 T. David Copley #19379
13 Tana Lin #35271
14 KELLER ROHRBACK L.L.P.
15 1201 Third Avenue, Suite 3200
16 Seattle, WA 98101
17 Phone: (206) 623-1900
18 Fax: (206) 623-3384
19 Email: dcopley@kellerrohrback.com
20 Email: tlin@kellerrohrback.com

Attorneys for Plaintiff Deborah LePine

21 **IT IS SO ORDERED.**

22 Dated this 4th day of December, 2018.

23
24 

25 BENJAMIN H. SETTLE
26 United States District Judge