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THE HONORABLE MAUREEN MCKEE

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

LAURA MCKIERNAN, an individual; and  
WILLIAM SIMBA, an individual, on behalf of  
themselves and others similarly situated,

Plaintiffs,

vs.

ACT FAST DELIVERY OF WASHINGTON, a  
Washington corporation; ACT FAST  
DELIVERY, INC., a Texas corporation;  
AMAZON.COM, Inc., a Washington corporation

Defendants.

NO. 16-2-03389-0 SEA

[PROPOSED] ORDER GRANTING  
THE UNOPPOSED MOTION FOR  
FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT

THIS MATTER came before this Court on Plaintiffs' Unopposed Motion for Final  
Approval of Class Action Settlement. The Court reviewed the following documents:

- 1. Unopposed Motion for Final Approval of Class Action Settlement;

1 2. Declaration of Donald W. Heyrich in Support of Unopposed Motion for Final  
2 Approval of Class Action Settlement and the exhibits attached thereto;  
3

4 3. Declaration of Peter Stutheit in Support of Unopposed Motion for Final Approval of  
5 Class Action Settlement and the exhibits attached thereto;  
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7 4. Declaration of Jessica Barnett and the exhibits attached thereto;  
8

9 5. The files and records herein.

10 The Settlement Agreement between the parties provides that the parties agree to settle on  
11 class wide relief for a Settlement Class defined by this Court's previous ruling certifying a  
12 settlement class under CR 23. See Dkt. 48. The Settlement Class, as defined by the Settlement  
13 Agreement, consists of "[a]ll Act Fast delivery drivers who made one or more deliveries to  
14 Amazon customers in the State of Washington from February 12, 2013 through the date of  
15 preliminary approval of this Agreement." The Court, having considered the papers and  
16 arguments submitted in support of and in opposition to the Motion, HEREBY ORDERS THE  
17 FOLLOWING:  
18

19  
20 1. The Court, in keeping with its May 18, 2018 Order Granting Preliminary Approval  
21 of Class Action Settlement ("Preliminary Approval Order") confirms that the prerequisites for a  
22 class action under CR 23(a) and (b)(3) of the Washington Rules of Civil Procedure have been  
23 satisfied in that: (a) the number of Settlement Class members is so numerous that joinder of all  
24 members thereof is impracticable; (b) there are questions of law and fact common to the  
25 Settlement Class; (c) the claims of the Class Representatives are typical of the claims of the  
26

1 Settlement Class they seek to represent; (d) Class Representatives fairly and adequately represent  
2 the interests of the Settlement Class; (e) the questions of law and fact common to the members of  
3 the Settlement Class predominate over any questions affecting only individual members of the  
4 Settlement Class; and (f) a class action is superior to other available methods for the fair and  
5 efficient adjudication of the controversy.  
6

7 2. This Court has jurisdiction over the subject matter of this Action and over all  
8 parties to the Settlement Agreement, including all Settlement Class members.

9 3. The Class Notice delivered pursuant to the Preliminary Approval Order  
10 constituted the best notice practicable under the circumstances to all potential members of the  
11 Settlement Class and met the requirements of CR 23. A full opportunity has been offered to the  
12 Settlement Class members to object to the proposed Settlement Agreement and to participate in  
13 the hearing thereon. Thus, it is hereby determined that all Settlement Class members who did not  
14 timely elect to exclude themselves by written communication are bound by this Order and Final  
15 Judgment.  
16

17 4. The settlement set forth in the Settlement Agreement is hereby finally approved as  
18 fair, reasonable and adequate to all parties and Settlement Class members.  
19

20 5. As contained in the parties' Settlement Agreement, all Settlement Class members:  
21 (1) are bound by this Final Judgment; (2) are forever barred from instituting, maintaining, or  
22 prosecuting any of the Released Claims; and (3) have released and discharged Released Parties  
23 from any and all liability with respect to such Released Claims, including but not limited to  
24 claims for attorneys' fees, costs, and expenses.

25 6. The Court hereby approves a common fund settlement amount of Two Hundred  
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1 Thirty-Five Thousand Dollars (\$235,000). Pursuant to the Settlement Agreement, Act Fast shall  
2 deposit the settlement amount with Simpluris within fourteen (14) days of the effective date of  
3 the Settlement.  
4

5 7. Payment to the Settlement Class Members shall be in the amount of One Hundred  
6 Thirty-Seven Thousand One Hundred and Twenty-Five Dollars (\$137,125), to be distributed and  
7 paid within twenty-one (21) days of the effective date of the Settlement, in accordance with the  
8 Court's August 13, 2018 Order Granting Date for Final Approval Hearing and Related Deadlines.

9 8. The Court hereby approves an award of reasonable Class Counsel fees and costs  
10 of Seventy-Seven Thousand Five Hundred Dollars (\$77,500), to be paid by the schedule mutually  
11 agreed upon by the parties in the Settlement Agreement.  
12

13 9. The Court hereby approves a service award of Five Thousand Dollars (\$5,000)  
14 each for Ms. Laura McKiernan and Mr. William Simba as provided in the Settlement Agreement.

15 10. The Court further hereby approves the Settlement Administrator's Costs of Ten  
16 Thousand Three Hundred and Seventy-Five Dollars (\$10,375) as provided in the Settlement  
17 Agreement.

18 11. Plaintiffs' claims against Defendants are hereby dismissed with prejudice and with  
19 all parties to bear their own costs and fees.  
20

21 IT IS SO ORDERED.

22 DATED this 12 day of October, 2018  
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27 THE HONORABLE MAUREEN MCKEE  
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