

THE HONORABLE JOHN McHALE  
 Department 43  
 Noted for Consideration: December 10, 2018, 9:00 a.m.  
 With Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
 COUNTY OF KING

JOSEPH LOWRY, JAMES PHILP, MARK SANDERS, AARON TAYLOR, individually and as representatives for the class of similarly situated employees,  
 Plaintiffs,  
 v.  
 RALPH’S CONCRETE PUMPING, INC., a Washington corporation,  
 Defendant.

NO. 12-2-40087-3 KNT  
**[PROPOSED] ORDER GRANTING PLAINTIFFS’ MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND FOR AWARD OF ATTORNEYS’ FEES, COSTS, AND SERVICE AWARDS AND FINAL JUDGMENT**  
**(Clerk’s Action Required)**

Plaintiffs’ Motion for Final Approval of Class Action Settlement and for Award of Attorneys’ Fees, Costs, and Service Awards came before this Court on a hearing on December 10, 2018. The above captioned Action is a class action lawsuit brought by Plaintiffs Joseph Lowry, James Philp, Mark Sanders, and Aaron Taylor (“Plaintiffs”) against Ralph’s Concrete Pumping, Inc. (“Defendant” or “Ralph’s”) (collectively the “Parties”). On October 2, 2018, this Court entered an Order Granting Preliminary Approval of Class Action Settlement. That order directed the Settlement Administrator to provide notice to members of the Settlement

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1 Classes, which informed them of: (1) the proposed Settlement and the Settlement’s key  
2 terms; (2) the date, time, and location of the Final Approval Hearing; and (3) the right to  
3 object to the proposed Settlement and the procedure for doing so. The notice also informed  
4 members of the Settlement Classes who did not previously receive class notice and the  
5 opportunity to opt out with an explanation of their right to opt out of the Settlement and the  
6 procedure for doing so.

7 The Court, upon notice having been given as required in the Preliminary Approval  
8 Order, and having considered the proposed Settlement Agreement, as well as all papers filed  
9 in connection with Plaintiffs’ Motion for Final Approval, hereby ORDERS and adjudges as  
10 follows:

11 1. The notice provided to members of the Settlement Classes conforms with the  
12 requirements of Civil Rule 23, the Washington and United States Constitutions, and any other  
13 applicable law, and constitutes the best notice practicable under the circumstances, by  
14 providing individual notice to all members of the Settlement Classes who could be identified  
15 through reasonable effort, and by providing due and adequate notice of the proceedings. The  
16 notice fully satisfies the requirements of due process.

17 2. The Court finds that the settlement was entered into in good faith as the result  
18 of arm’s-length negotiations between experienced attorneys, that the Settlement is fair,  
19 reasonable, adequate, and in the best interests of the Settlement Classes and that the  
20 Settlement satisfies the standards and applicable requirements for final approval of this class  
21 action settlement under Washington law.

22 3. To the extent any timely-filed objections to the Settlement have been lodged,  
23 the Court has considered those objections and found they do not counsel against approval of  
24 the Settlement, and those objections are hereby overruled.

25 4. Upon entry of this Order, compensation to the participating members of the  
26 Settlement Classes shall be effected pursuant to the terms of the Settlement Agreement.

1           5.       In addition to any recovery Plaintiffs may receive under the Settlement, and in  
2 recognition of Plaintiffs' efforts on behalf of the Settlement Classes, the Court hereby  
3 approves the payment of service awards to Joseph Lowry, James Philp, Mark Sanders, and  
4 Aaron Taylor in the amount of \$7,500 each.

5           6.       The Court approves payment not to exceed \$7,000 to Simpluris, the Settlement  
6 Administrator, for their fees and costs to administer the Settlement.

7           7.       The Court approves the payment of attorneys' fees and costs to Class Counsel  
8 in the amount of \$1,400,000. This amount compensates Class Counsel for their costs, as well  
9 as for their lodestar fees over nearly six years of litigation. The Court finds that factors  
10 supporting the award of a multiplier confirm that the requested award is reasonable. The  
11 attorneys' fees and costs shall be distributed to Class Counsel in accordance with the terms of  
12 the Settlement Agreement.

13          8.       Upon the date on which this Order is entered, Plaintiffs and all members of the  
14 Settlement Classes shall have, by operation of this Order and Judgment, fully, finally and  
15 forever released Ralph's from all claims as defined by the terms of the Settlement. Upon the  
16 date on which this Order is entered, all members of the Settlement Classes shall be and are  
17 hereby permanently barred and enjoined from the institution or prosecution of any and all of  
18 the claims released under the terms of the Settlement.

19          9.       The Court hereby dismisses this action with prejudice as to all members of the  
20 Settlement Classes, except those who have timely and properly excluded themselves from the  
21 Settlement Classes.

22          10.       Pursuant to the Settlement Agreement, this Order shall constitute a dismissal  
23 of this action on the merits with prejudice, without fees or costs to any party except as  
24 provided in the Settlement Agreement and approved by the Court.

25          11.       Without affecting the finality of this Final Approval Order and Judgment for  
26 purposes of appeal, this Court shall retain jurisdiction over all matters relating to

1 administration, consummation, enforcement, and interpretation of the Settlement  
2 Agreement and the Final Approval Order, and for any other necessary purpose.

3 IT IS SO ORDERED.

4 DATED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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8 JOHN McHALE, Superior Court Judge  
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