

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

A.B., by and through her next friend Cassie  
Cordell Trueblood, *et al.*

Plaintiffs,

v.

Washington State Department of Social and  
Health Services, *et al.*,

Defendants.

No. 14-cv-01178-MJP

**ORDER FOR PRELIMINARY  
APPROVAL OF AMENDED  
SETTLEMENT AGREEMENT**

Upon consideration of the Parties' amended joint motion pursuant to Federal Rule of Civil Procedure 23(e) for an order preliminarily approving the settlement of this Action (Amended Motion for Preliminary Approval), and in accordance with the Parties' Amended Settlement Agreement, which sets forth the terms and conditions for a proposed settlement of the claims in this action, the Court, having read and considered the Amended Settlement Agreement, orders as follows:

1. Based on the record before it, the Court tentatively finds that the Amended Settlement Agreement attached as Attachment A to the Amended Joint Motion for Preliminary Approval, is fair, reasonable, and adequate. The Court finds that: (a) the Amended Settlement

1 Agreement resulted from extensive arm's length negotiations; (b) there is no evidence at this  
2 stage of the proceedings of fraud, collusion, or overreaching, or that the rights of absent class  
3 members were disregarded; and (c) counsel has sufficient experience in similar litigation to  
4 propose the Amended Settlement Agreement. The Court's preliminary approval is subject to  
5 change pending the outcome of the final settlement approval hearing (Fairness Hearing)  
6 established herein.

7         2.         The Court finds that the proposed Class Notice meets the requirements of Federal  
8 Rule of Civil Procedure 23, due process, and the applicable law, in that it fairly and adequately  
9 describes the terms of the Amended Settlement Agreement; gives notice of the time and place of  
10 the Fairness Hearing; and describes how a class member may comment on, object to, or support  
11 the Amended Settlement Agreement.

12         3.         The Court authorizes and directs the Parties or their designated agent to, within  
13 fifteen days of the date of this order, enact the Notice Plan submitted in connection with the  
14 Parties' Amended Motion for Preliminary Approval. Defendants and Class Counsel will submit  
15 declarations to the Court confirming their compliance with the class notice procedures contained  
16 in the Notice Plan at least 5 days prior to the Fairness Hearing.

17         4.         The Court concludes that the notice to class members mandated in the Notice  
18 Plan is the best notice practicable under the circumstances and in light of the disabilities of class  
19 members, and complies with the requirements of Federal Rule of Civil Procedure 23, due  
20 process, and any other applicable law.

21         5.         A Fairness Hearing to consider whether the proposed Amended Settlement  
22 Agreement is fair, reasonable, and adequate and should be finally approved is scheduled for  
23 **December 11, 2018, at 10:30 a.m.**, in the courtroom of the Honorable Marsha J. Pechman.

1           6.       A class member who wishes to comment on or object to the Settlement  
2 Agreement must submit written comments and/or objections to the Class Counsel. If a class  
3 member is unable to submit written comments due to disability, Class Counsel will assist the  
4 class member in drafting the comments or, in the event of a conflict, will assist the class member  
5 in identifying another attorney that may assist them in drafting such comments. The Parties will  
6 jointly file all written comments and objections with the Court. Written comments or objections  
7 must be submitted to the Court no later than **November 30, 2018**, at least ten days before the  
8 Fairness Hearing.

9           7.       A class member who wishes to appear at the Fairness Hearing may do so if written  
10 notice is submitted to the Court, with copies to counsel, stating that the class member intends to  
11 appear in person or through counsel. In that written notice to appear, the class member must  
12 describe the nature of his or her comment or objection. If the class member is unable to draft a  
13 written statement due to disability, Class Counsel will assist the class member in drafting the  
14 statement or, in the event of a conflict, will assist the class member in identifying another  
15 attorney that may assist them in drafting the statement. Written notice of intent to appear must  
16 be filed with the Court and mailed to counsel by **November 30, 2018**, at least ten days before  
17 the Fairness Hearing.

18           8.       A Motion for Final Approval of the Amended Agreement, together with any  
19 supporting declarations or other documentation, must be filed no later than **December 6, 2018**,  
20 at least five days before the Fairness Hearing. Class Counsel shall also mail the Motion for Final  
21 Approval to all class members who object to the Settlement Agreement or file written notice  
22 with the Court that they intend to appear at the Fairness Hearing.

1           9.       The Court reserves the right to adjourn the date of the Fairness Hearing without  
2 further notice to class members, and it retains jurisdiction to consider all further applications  
3 arising out of or connected with the Amended Settlement Agreement. The Court may approve  
4 the Amended Settlement Agreement, with such modifications as may be agreed to by the Parties,  
5 if appropriate, without further notice to class members.

6           It is so ORDERED this \_\_1st\_\_ day of \_\_November\_\_, 2018.

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9           The Honorable Marsha J. Pechman  
10          United States Senior District Court Judge

11 Presented by:

12       /s/ David Carlson

13       /s/ Kimberly Mosolf

14       /s/ Alexa Polaski

15       David R. Carlson, WSBA No. 35767

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