

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RATTIYA UNTHAKSINKUN, SUSAN  
AHMADI, KHADDOUJ ATIF, AND S.J.,  
individually and on behalf of a class of  
similarly situated persons,

Plaintiffs,

v.

DOUGLAS PORTER, in his official  
capacity as Administrator of the  
Washington State Health Care Authority,

Defendant.

No. 2:11-cv-00588

~~PROPOSED~~ ORDER GRANTING  
PRELIMINARY APPROVAL OF A  
PARTIAL CLASS ACTION  
SETTLEMENT AND AGREEMENT  
ON ATTORNEYS' FEES

JLR

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

The Motion for Preliminary Approval of a Class Action Settlement and Agreement on Attorneys' Fees having come before this Court, the Honorable James L. Robart presiding, on the 25<sup>th</sup> of October, 2013, and this Court, having considered the papers submitted in support of the parties' Motion, HEREBY ORDERS THE FOLLOWING:

1. This Court grants preliminary approval of the Settlement and Agreement on Attorneys' Fees (the "Settlement") based upon the terms set forth in the Motion for Preliminary Approval of a Partial Class Action Settlement and Agreement on Attorneys' Fees (the "Motion"). The Settlement appears to be fair, adequate, and reasonable.

1           2.     The Settlement falls within the range of reasonableness and appears to be  
2 presumptively valid, subject only to any objections that may be raised at the final fairness  
3 hearing and the Court's final approval.

4           3.     A Final Approval hearing on the question of whether the proposed Settlement and  
5 Agreement on Attorneys' Fees should be finally approved as fair, reasonable, and adequate is  
6 scheduled in accordance with the Implementation Schedule set forth below.

7           4.     This Court approves the form and content of the Notice of Proposed Settlement  
8 ("Notice"), attached as Exhibit A to the Motion. Any changes to the substance of these  
9 documents must be approved by both parties in writing. The Court approves the procedure for  
10 Due Process Class members to participate in and object to the Settlement as set forth in the  
11 Notice.

12           5.     The Court directs the Defendant to print and mail the Notice to all Equal  
13 Protection and Due Process class members as of October 21, 2011. The Notice shall be sent by  
14 first class mail in accordance with the Implementation Schedule set forth below. This Court  
15 finds that the dates selected for the mailing of the Notice meet the requirements of due process  
16 and provide the best notice practicable under the circumstances. The Court further directs that  
17 the Notice be published on the HCA website at <http://www.basicealth.hca.wa.gov/>. The Court  
18 directs the Defendant to take the following additional actions to make the Notice accessible to  
19 class members with limited English proficiency or disabilities requiring accommodations:

20           a.     Interpretation and Translation: HCA shall translate the Notice into  
21 Spanish, Korean, Vietnamese, Chinese and Russian. The Notice sent to each class member shall  
22 be written in English unless a class member has requested their materials in one of these other  
23 five languages, in which case HCA shall send the member a Notice translated into that language.  
24 The Notice shall include language stating that an interpreter will be provided, at no cost to the  
25 class member, if they cannot speak or read English. Upon request, Basic Health staff shall read  
26 the Notice to the member. Basic Health shall also, with the assistance of an interpreter, offer to

1 read the Notice to each class member who requests interpretation services, and shall read it upon  
2 any indication that the class member wishes Basic Health to do so, if they have not received the  
3 Notice translated into their native language. For those who have indicated a language other than  
4 English or the five languages above, Basic Health will include with the Notice a form in 20  
5 languages that gives a phone number to call for assistance if the information is not in the class  
6 member's language. HCA shall make all reasonable efforts to provide interpretation services to  
7 all class members who request that information be provided to them in a language other than  
8 English. These interpretation services shall be provided to class members free of charge.

9           b.     Disability Accommodations: If a class member has an impairment or  
10 disability that affects their ability to understand written information presented in the Notice's  
11 standard format, and requests accommodation, HCA will provide reasonable accommodations,  
12 such as by providing large-type or Braille copies of the Notice or TTY phone access, or by  
13 reading the Notice to the class member.


14           6.     This Court orders the following Implementation Schedule for further proceedings:

	Action	Deadline
15		
16	1. Deadline for Defendant to Submit Class Member Information to the Clerk	5 calendar days after entry of this Order
17	2. Deadline for Defendant to Mail the Notice to the Due Process class members	15 calendar days after entry of this Order
18	3. Deadline for Class Members to Postmark any Objections to the Settlement	45 calendar days after mailing of the Notice
19	4. Deadline for Class Counsel to file Motion for Attorneys' Fees and Costs	45 calendar days before the deadline for the filing of Objections
20		
21	5. Deadline for Class Counsel to file Motion for Final Approval of Settlement	21 calendar days before Final Approval hearing
22	6. Deadline for Defendant to file Declaration of Due Diligence and Proof of Mailing	21 calendar days before Final Approval hearing
23		

1	7. Final Approval Hearing	Approximately 100 days after Notice is mailed (given the <del>60</del> day period to file claims, allowing 18 days for the curing of defective claims, providing 21 days for the filing of the Motion for Final Approval).
2	Thursday, March 6, 2014 at 3:00 P.M.	
3		
4		
5		

6 IT IS SO ORDERED.

7 DATED this 1<sup>st</sup> day of ~~October~~ <sup>November</sup>, 2013.

8 

9 The Honorable James L. Robart

10 Presented by:  
11 RIDDELL WILLIAMS P.S.

12 By: /s/ Blake Marks-Dias

13 Blake Marks-Dias  
14 Michael Pierson  
15 Rachel Schaefer  
16 RIDDELL WILLIAMS P.S.  
17 1001 Fourth Avenue, Suite 4500  
18 Seattle, WA 98154-1192  
19 Tel: (206) 624-3600  
20 bmarksdias@riddellwilliams.com  
21 mpierson@riddellwilliams.com

22 NORTHWEST HEALTH LAW  
23 ADVOCATES

24 Daniel S Gross,  
25 Janet Varon  
26 NoHLA  
4759 15<sup>th</sup> Avenue NE, Suite 305  
Seattle, WA 98105  
Tel: (206) 325.6464  
janet@nohla.org  
daniel@nohla.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

1 Heather Vasquez declares as follows:

2 I am over 18 years of age and a citizen of the United States. I am employed as an  
3 administrative assistant by the law firm of Riddell Williams P.S.

4 On the date noted below, I electronically filed the foregoing document using the CM/ECF  
5 system which will notify the following via email:

6 Melissa A. Burke-Cain MelissaB@atg.wa.gov, AHDOLyEF@atg.wa.gov,  
7 jenniferb4@atg.wa.gov, lindah5@atg.wa.gov


8 Gail S. Yu gaily@atg.wa.gov, AHDOLyEF@atg.wa.gov,  
9 constanecc@atg.wa.gov

10 Elizabeth Anna-Marie Baker Elizabethlb3@atg.wa.gov, ahdolyef@atg.wa.gov

11 William B. Clark billc2@atg.wa.gov, aaron2@atg.wa.gov,  
agnesr@atg.wa.gov, TORSeaEF@atg.wa.gov

12 I declare under penalty of perjury under the laws of the State of Washington that the  
13 foregoing is true and correct.

14 DATED this 4<sup>th</sup> day of October, 2013.

15  
16   
17 \_\_\_\_\_  
18 Heather Vasquez