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2025 SEP 15 11:31 AM
KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 24-2-17679-9 SEA

Honorable Jason Holloway
Hearing: September 9, 2025
Without Oral Argument

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

NICOLE KERSEY, DANA GIBSON,
XANDRA ABRAM, and CASEY SAPUTO,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

THERAPEUTIC HEALTH SERVICES,

Defendant.

NO. 24-2-17679-9 SEA

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Plaintiffs Nicole Kersey, Dana Gibson, Xandra Abram, and Casey Saputo, by motion have submitted a proposed Class Action Settlement Agreement ("Settlement Agreement") to the Court for review. Having reviewed the Settlement Agreement and Plaintiffs' motion and supporting declaration, the Court FINDS, CONCLUDES, and ORDERS as follows:

1. The Court concludes that the Settlement Agreement is the result of arm's-length negotiations between the parties after contested litigation. The Settlement Agreement has no obvious defects and is within the range of possible settlement approval, such that the terms are reasonable and notice to the Class is appropriate. Capitalized terms appearing in this Order have the same meaning as used in the Settlement Agreement.

2. The proposed notices will be issued in a manner reasonably calculated to satisfy due process, and will be disseminated via mail to all Settlement Class Members for whom it has mailing addresses, and posted at the settlement website that is to be established by the Settlement

1 Administrator, examples of which are attached to the Settlement Agreement and are sufficient in
2 detail to provide sufficient notice of the Settlement Agreement to the Settlement Class. The
3 proposed plan of distribution of the notice through mail, and the establishment of a website, are
4 likewise sufficient.

5 3. The forms of Notice fairly, plainly, accurately, and reasonably inform Settlement
6 Class members of: (1) appropriate information about the nature of this litigation, the Settlement,
7 the Settlement Class definition, the identity of Class Counsel, and the essential terms of the
8 Settlement; (2) appropriate information about Class Counsel's forthcoming application for
9 attorneys' fees and the proposed incentive award to the Settlement Class Representative; (3)
10 appropriate information about how to participate in the Settlement; (4) appropriate information
11 about this Court's procedures for final approval of the Settlement, and about Settlement Class
12 Members' right to appear through counsel if they desire; (5) appropriate information about how
13 to challenge or opt-out of the Settlement, if they wish to do so; and (6) appropriate instructions
14 as to how to obtain additional information regarding this litigation and the Settlement. In addition,
15 pursuant to CR 23(c)(2)(B), the Notices inform Settlement Class Members that any Settlement
16 Class Member who fails to opt-out will be prohibited from bringing a lawsuit against Defendant
17 and certain entities related to Defendant based on or related to any of the claims asserted by
18 Plaintiffs.

19 4. The Court finds that the factors of CR 23(a) are satisfied here. The proposed
20 Settlement Class includes all individuals whose Personal Information was impacted by the
21 Therapeutic Health Services Data Incident, which encompasses approximately 42,000
22 individuals, and joinder is therefore impracticable. The claims asserted by the Plaintiffs are both
23 common and typical of the claims of the class members. The Court finds no conflict of interest
24 present among Class Counsel or Plaintiffs with the Settlement Class. In addition, the Court finds
25 that the factors of CR 23(b) are also satisfied. The Court finds both factual questions and legal
26 issues that are common to the Plaintiffs' claims and the Settlement Class that predominate over
27

1 any individualized issues. Certification of the Settlement Class for settlement purposes is superior
2 to piecemeal litigation of the Plaintiffs' and Settlement Class Members' claims. The Court
3 therefore certifies as the Settlement Class the following:
4

5 All U.S. residents whose Personal Information was accessed and/or acquired in
6 the Data Incident, as identified in the Settlement Class List to be provided by
7 Defendant. Excluded from the Settlement Class are: (1) the Judge(s) presiding
8 over the Action and members of their immediate families and their staff; (2)
9 Defendant and its subsidiaries, parent companies, successors, predecessors, and
any entity in which Defendant, has a controlling interest and their current and
former officers and directors; (3) Settlement Class Members who properly
execute and submit a valid Request for Exclusion prior to the Opt-Out Deadline;
and (4) the successors or assigns of any such excluded natural person(s).

10 5. The Court appoints M. Anderson Berry of Clayco C. Arnold, APC, Joan M.
11 Pradhan of Tousley Brain Stephens PLLC, and Timothy Emery of Emery Reddy, PLLC as
12 Settlement Class Counsel.
13

14 6. The Court appoints Nicole Kersey, Dana Gibson, Xandra Abram, and Casey
15 Saputo as Settlement Class Representatives.

16 7. The Court appoints Eisner Amper as the Settlement Administrator in accordance
17 with the terms of the Settlement Agreement, and finds that Eisner Amper has sufficient
18 knowledge, skill, and expertise to effectively distribute the Notice and to handle the
19 administration of claims to be submitted by the Settlement Class. The Settlement Administrator
20 shall distribute Notice to the Settlement Class as provided by the Settlement Agreement.
21

22 8. The Settlement Administrator will establish the Settlement Website as soon as
23 practicable following entry of this Order and prior to the mailing of Notice. A copy of this Order,
24 Class Counsel's fee application, the Settlement Agreement, contact information for the
25 Settlement Administrator, Plaintiffs' Motion for Preliminary Approval of the Settlement, and the
26 downloadable and online versions of the Claim Form and Long-Form Notice shall be posted on
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1 the settlement website. Additional filings in the case may be posted on the site at the request of
2 one or more of the parties.

3 9. Within 30 days of the date of entry of this Order, the Settlement Administrator
4 shall have sent and made available the Notices substantially in the form specified in the
5 Settlement Agreement.

6 10. Class Counsel shall file their motions for attorneys' fees, costs, and class
7 representative service awards at least 14 days before the Opt-Out and Objection Deadlines.

8 11. Class Counsel shall file their motion for Final Approval at least 14 days before
9 the Final Approval Hearing.

10 12. The Final Approval Hearing is scheduled for _____ on
11 _____, 2025, at the King County Superior Courthouse, 516 3rd Ave, Rm C-203, Seattle,
12 WA, 98104, which is no earlier than 120 days after entry of the Preliminary Approval Order.
13 Class Counsel and/or Defendant may file a reply to any objections to the Settlement Agreement
14 or opposition to Class Counsel's fee request no later than seven days before the Final Approval
15 Hearing.

16 13. All Notice required by this Order and Settlement Agreement shall notify the Class
17 of the Objection/Opt-Out Deadline, which shall be the date that is the 60th day after the date the
18 Settlement Administrator has sent Notice.

19 14. All Notice required by this Order and the Settlement Agreement, as well as the
20 Claim Form, shall notify the Class of the Claims deadline, which shall be 90 days from the date
21 Notice is sent.

1 DATED this ____ day of September, 2025.

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3
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5 The Honorable Jason Holloway
King County Superior Court Judge

6 Presented by:

7 /s/ Joan M. Pradhan

8 Kaleigh N. Boyd, WSBA #52684

kboyd@tousley.com

9 Joan M. Pradhan, WSBA #58134

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25 *Pro Hac Vice application forthcoming

26 *Attorneys for Plaintiffs and the Proposed*
27 *Settlement Class*

[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT - 5

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**King County Superior Court
Judicial Electronic Signature Page**

Case Number: 24-2-17679-9 SEA
Case Title: KERSEY ET AL VS THERAPEUTIC HEALTH SERVICES
Document Title: Order
Date Signed: 09/15/2025



Judge: Jason Holloway

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