

Hearing Date: March 17, 2021, 3:30 p.m.

With Oral Argument

'21 MAR 17 P4:29'

SUPERIOR COURT
YAKIMA CO WA

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

DANIEL CAMPEAU, individually and on
behalf of all persons similarly situated,

Plaintiff,

v.

YAKIMA HMA, LLC, a Washington
corporation,

Defendants.

No. 20-2-01953-39

~~PROPOSED~~ ORDER DENYING
DEFENDANT'S MOTION FOR
JUDGMENT ON THE PLEADINGS

THIS MATTER comes before the Court on Defendant's Motion for Judgment on the Pleadings. The Court has heard oral argument and reviewed the records on file with the Court, including the parties' briefing and the following papers submitted in connection with the briefing:

1. Defendant Yakima HMA LLC's Motion for Judgment on the Pleadings;
2. Plaintiff's Opposition to Defendant's Motion for Judgment on the Pleadings;
3. Defendant's Reply to Motion for Judgment on the Pleadings.

[PROPOSED] ORDER DENYING
DEFENDANT'S MOTION FOR JUDGMENT
ON THE PLEADINGS- 1

SCHROETER GOLDMARK & BENDER
810 Third Avenue • Suite 500 • Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

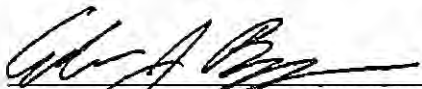
1 The Court DENIES Defendant's Motion and holds that equitable tolling applies to
2 Plaintiff's claims during the pendency of the action filed by his union, tried to judgment in his
3 favor, and reversed on appeal on jurisdictional grounds by *Washington State Nurses Ass'n v.*
4 *Yakima HMA, LLC*, 196 Wn.2d 409, 416-420 (2020) ("WSNA"). Plaintiff diligently pursued his
5 claims through the WSNA action, including by testifying at trial; Plaintiff reasonably relied on
6 the union's action to protect his statutory rights; the change in law on associational standing
7 announced by the majority opinion in WSNA is an extraordinary circumstance outside of
8 Plaintiff's control; tolling results in no prejudice to Defendant nor does it undermine the
9 purpose of the statute of limitations; and the underlying remedial purpose of Plaintiff's wage and
10 hour claims are served by tolling. For these reasons, the Court holds that equitable tolling applies
11 such that Plaintiff's claims are not barred by the otherwise applicable limitations period.

12 DATED this 17 day of March, 2021.

13 
14 SUPERIOR COURT JUDGE

15 Presented By:

16 SCHROETER GOLDMARK & BENDER

17 

18 Adam J. Berger, WSBA #20714
19 Lindsey L. Halm, WSBA #37141

20 *Attorneys for Plaintiff*

21 [PROPOSED] ORDER DENYING
22 DEFENDANT'S MOTION FOR JUDGMENT
23 ON THE PLEADINGS- 2

24 SCHROETER GOLDMARK & BENDER
25 810 Third Avenue • Suite 500 • Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305