

The Honorable Tiffany M. Cartwright

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL JENKINS, individually and on
behalf of others similarly situated,

Plaintiff,

v.

STEELSCAPE WASHINGTON LLC, a
Washington limited liability company,

Defendant.

No. 3:24-cv-05127-TMC

ORDER CERTIFYING
SETTLEMENT CLASS AND
PRELIMINARILY APPROVING
CLASS-WIDE SETTLEMENT

NOTE ON MOTION CALENDAR:
APRIL 10, 2025

This case, a proposed class action, is before the Court on Plaintiff's Unopposed Motion for Settlement Class Certification and Preliminary Approval of Class Action Settlement. The Court has reviewed the motion, the supporting declaration, the parties' Settlement Agreement, and the files, records, and proceedings to date in this matter.

For the reasons set forth below, the Court GRANTS the motion, conditionally certifies the Settlement Class, and preliminarily approves of the parties' class-wide settlement.

A. Settlement Class Certification

1. The Court finds that the prerequisites of Federal Rule of Civil Procedure (“FRCP”) 23(a) and (b)(3) are satisfied for the Settlement Class, as defined by the parties and set forth in a separate order. Specifically, the class is sufficiently numerous that joinder is impracticable; common questions of fact and law bind the Settlement Class and predominate over individual questions; Plaintiff’s claims are typical of those of other current and former hourly employees of Defendant; Plaintiff and his counsel adequately represent the interests of the proposed class; and class-wide adjudication of the legal and factual issues presented is superior to individual adjudication of each Class Member’s potential claims against Defendant. Therefore, the Settlement Class satisfies the requirements of FRCP 23(a) and (b)(3).

2. Pursuant to FRCP 23(a) and (b)(3), the Court certifies this matter as a class action for settlement purposes, with the Settlement Class defined as follows:

All current and former non-exempt, hourly employees of Defendant who worked at the Kalama facility in Washington at any time from January 16, 2021, to March 7, 2025, and for whom damages are calculated as owing by Plaintiff’s expert, except any person who timely opts out of the Settlement Class.

3. The Court appoints Plaintiff Michael Jenkins as Class Representative of the Settlement Class and Lindsay L. Halm, Andrew D. Boes, and Adam J. Berger of the law firm of Schroeter Goldmark & Bender as Class Counsel for the Settlement Class.

B. Preliminary Approval of Proposed Settlement

4. The Court must satisfy itself that the proposed class-wide settlement is fair, adequate, and reasonable to the class and was the product of non-collusive, arms’ length negotiations. Fed. R. Civ. P. 23(e); *see also Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1026

(9th Cir. 1998). In conducting such analysis, courts in the Ninth Circuit consider the following factors:

[T]he strength of the plaintiffs' case; the risk, expense, complexity, and likely duration of further litigation; the risk of maintaining class action status throughout the trial; the amount offered in settlement; the extent of discovery completed and the stage of the proceedings; the experience and views of counsel; the presence of a governmental participant; and the reaction of the class members to the proposed settlement.

Hanlon, 150 F.3d at 1026 (citing *Torrise v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1375 (9th Cir. 1993)).

5. Based on the Court's review of the instant motion and the parties' Settlement Agreement (Exhibit 1 to the Declaration of Andrew D. Boes) together with its knowledge of the claims and defenses at issue in the case and the proceedings to date, the Court concludes that the terms of the parties' proposed settlement appear fair, reasonable, and adequate. To that end, the Court ORDERS as follows:

6. The Court approves the form and content of the parties' proposed notice to the Settlement Class Members ("Notice") that is attached as Exhibit 3 to the Declaration of Andrew D. Boes.

7. The Court concludes that the manner of giving notice satisfies Rule 23 and the requirements of due process and, consistent with the terms of the parties' Settlement Agreement, the Court directs the Settlement Administrator to mail a copy of the Notice to each Settlement Class Member no later than twenty-five (25) calendar days following the date of this Order.

8. Settlement Class Members shall have sixty (60) days after the entry of this Order to request exclusion from the Settlement Class.

1 9. The Court approves appointment of Atticus Administration, LLC, as
2 Settlement Administrator and preliminarily approves payment of their fees and costs, not to
3 exceed \$8,500 from the Gross Settlement Amount.

4 10. On July 24, 2025, at 3:00 p.m., the Court will conduct a hearing (“Final
5 Fairness Hearing”) to determine whether to approve the settlement as fair, reasonable, and
6 adequate, which, if so approved, will result in a dismissal and final judgment. The Final
7 Fairness Hearing may, without further notice to the Settlement Class, be continued or
8 adjourned by order of this Court.

9 11. The Court approves notifying the Settlement Class of Plaintiff’s request for
10 \$1,230,000 in attorneys’ fees plus actual litigation costs of approximately \$20,000, to be paid
11 from the Gross Settlement Amount, subject to final approval at the Final Fairness Hearing.

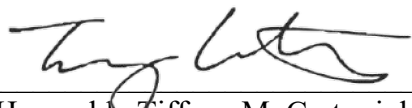
12 12. The Court approves notifying the Settlement Class of the proposed incentive
13 payments of \$10,000 to the Class Representative, in recognition of his role in this case and
14 service to the Class and his grant of a general release to Defendant, to be paid from the Gross
15 Settlement Amount, subject to final approval at the Final Fairness Hearing.

16 13. The Court directs Class Counsel to submit a motion for final approval of the
17 settlement, along with a proposed order approving the settlement and awarding Class
18 Counsel’s fees/costs, the Settlement Administrator’s fees and costs, and incentive payments
19 to the Class Representative prior to the date of the Final Fairness Hearing. Such papers also
20 shall inform the Court whether the Notice to Settlement Class Members was completed in
21 accordance with the requirements of this Order and provide information concerning any
22 objections received as a result of such mailing.
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1 14. Settlement Class Members may submit a written objection to any of the terms
2 of the proposed settlement by following the instructions as set forth in the Notice. Only
3 Settlement Class Members who file a timely, written objection to the settlement will be
4 permitted to appeal or seek review of this Court's decision approving or rejecting the
5 settlement.

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7 15. In the event the parties' proposed settlement does not become effective in
8 accordance with the terms of the Settlement Agreement or is not finally approved by this
9 Court, the Court shall vacate this order and reinstate all claims and defenses.

10 IT IS SO ORDERED this 9th day of May, 2025.

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The Honorable Tiffany M. Cartwright
United States District Judge

14 PRESENTED BY:

15 SCHROETER GOLDMARK & BENDER

16 s/Andrew D. Boes

17 Andrew D. Boes, WSBA #58508

18 Lindsay L. Halm, WSBA #37141

19 Adam J. Berger, WSBA #20714

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