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

FRANKLIN CHUNIR, individually and on  
behalf of all those similarly situated,  
Plaintiff.

V.

TWO MEN AND A MOVING VAN LLC,  
a Washington Limited Liability Company,  
LION MOVERS LLC, a Washington  
Limited Liability Company, MOVE FOR  
LESS LLC, a Washington Limited Liability  
Company,  
Defendants.

No. 24-2-09567-5 KNT

~~[PROPOSED]~~ FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
ORDER GRANTING PLAINTIFF'S  
MOTION FOR CLASS  
CERTIFICATION

*CLERK'S ACTION REQUIRED*

## I. INTRODUCTION

This matter comes before the Court on Plaintiff’s Motion for Class Certification. The Court has reviewed Plaintiff’s briefing and the evidence submitted in connection with the brief. This motion is unopposed as Defendants are in default. The Court hereby GRANTS Plaintiff’s motion and finds, concludes, and orders as follows:

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Certification of class actions is governed by Civil Rule 23. At the class certification stage, doubts are resolved in favor of class certification. *Smith v. Behr Process*

1 Corp., 113 Wn. App. 306, 318-19 (2002). “Where, as here, class certification is sought at the  
2 early stages of litigation, courts generally assume that the allegations in the pleadings are true  
3 and will not attempt to resolve material factual disputes or make any inquiry into the merits of  
4 the claim.” *Miller v. Farmer Bros. Co.*, 115 Wn. App. 815, 820 (2003). “Courts may, however,  
5 go beyond the pleadings and examine the parties’ evidence to the extent necessary to determine  
6 whether the requirements of CR 23 have been met.” *Miller*, 115 Wn. App. at 820. The Court  
7 must conduct a “‘rigorous analysis’” of the CR 23 requirements to determine whether a class  
8 action is appropriate in a particular case. *Oda v. State*, 111 Wn. App. 79, 93 (2002).  
9 Certification of a “class is always subject to later modification or decertification by the trial  
10 court.” *Miller*, 115 Wn. App. at 820.  
11

12 2. Pursuant to CR 23(a) and (b)(3) of the Washington Superior Court Rules, the  
13 Court certifies the following class in this case:  
14

15 All current and former hourly-paid employees who worked for Defendants as  
16 drivers, movers, forepersons, or in similar job classifications (together,  
17 “movers”) in Washington state at any time between April 30, 2021, and April  
18 25 May 20, 2025. -TVF  
19

20 3. The Court finds that the prerequisites of CR 23(a) and (b)(3) have been satisfied  
21 for the proposed class. Specifically, the Court finds and concludes as follows:  
22

23 a) CR 23(a)(1): Numerosity. A class may be certified where a plaintiff  
24 demonstrates that the proposed class “is so numerous that joinder of all members is  
25 impracticable.” *Miller*, 115 Wn. App. at 821. The record before the Court shows that  
26

1 the proposed class consists of at least 50 members. The Court concludes that the  
2 number of potential class members satisfies the numerosity criterion in this case.

3 b) CR 23(a)(2): Commonality. CR 23(a)(2) is met where the plaintiff's  
4 claims arise out of a "common course of conduct" or "common nucleus of operative  
5 facts." *Brown v. Brown*, 6 Wn. App. 249, 255 (1971). Here, the court finds that  
6 commonality is met with respect to all of Plaintiff's claims: for unpaid work, for missed  
7 rest and meal breaks, and for unlawful wage deductions. Specifically, the Court finds  
8 that the claims arise from Defendants' uniform policies and practices with respect to  
9 timekeeping, payroll, and breaks. These policies and practices apply to all movers,  
10 equally. As such, Plaintiff's claims share a common nucleus of fact and therefore the  
11 commonality prong is met here.  
12

13 c) CR 23(a)(3): Typicality. The proposed class representative's claims  
14 must be typical of the claims of other class members. A named plaintiff's claim is  
15 typical if it arises out of the same course of conduct and is based on the same legal  
16 theory as the class members' claims. *Smith v. Behr Process Corp.*, 113 Wn. App. 306,  
17 320 (2002). Here, Plaintiff worked as a mover during the class period. He was subjected  
18 to the same course of conduct as the rest of the class, including being deprived of wages  
19 for pre- and post-shift work and travel time, not being properly compensated for overtime,  
20 and being deprived of rest and meal breaks. Because Plaintiff's claims arise from the same  
21 corporate conduct and are based on the same legal theories as those of the class, his claims  
22 are typical.  
23

24 d) CR 23(a)(4): Adequacy of Representation. On this element, there must  
25 be no adversity of interest between the class representative and other class members,  
26

1 and the attorneys for the class representative must be qualified to conduct the proposed  
2 litigation. *DeFunis v. Odegaard*, 84 Wn.2d 617, 622 (1974); *Marquardt v. Fein*, 25  
3 Wn. App. 651, 656 (1980). Here, the Court is satisfied that Class Counsel possess the  
4 requisite qualifications to conduct this litigation. As for adequacy of the named  
5 Plaintiff, the Court finds that his interests and those of the other class members are  
6 aligned: the entire group has an interest in ensuring that Defendants comply with the  
7 law, and that movers receive the compensation and protections owed to them by statute.  
8

9 4. The Court finds that Plaintiff also satisfies the requirements of CR 23(b)(3),  
10 which requires the Court to find that “questions of law or fact common to the members of the  
11 class predominate over any questions affecting only individual members, and that a class action  
12 is superior to other available methods for the fair and efficient adjudication of the controversy.”  
13

14 a) CR 23(b)(3): Predominance. Whether common issues predominate over  
15 individual ones is a “pragmatic” inquiry into whether there is a “common nucleus of  
16 operative facts” as to all class claims. *Smith*, 113 Wn. App. at 323. It is not a “rigid  
17 test,” but contemplates “many factors,” the central one being “whether adjudication of  
18 the common issues in the particular suit has important and desirable advantages of  
19 judicial economy compared to all other issues, or when viewed by themselves.” *Sitton*  
20 *v. State Farm Mut. Auto. Ins. Co.*, 116 Wn. App. 245, 254 (2003) (internal quotation  
21 and citations omitted). The Court finds that predominance is satisfied here because  
22 questions of law and fact common to all class members predominate over any questions  
23 affecting only individual members. Such common questions of law and fact include,  
24 but are not limited to, whether Defendants had policies or practices of not paying  
25 movers for pre- and post-shift work and travel time, not providing (or paying for) rest  
26

1 and meal breaks, unilaterally withholding wages without consent, and whether such  
2 alleged policies and practices violate the law.

3 b) CR 23(b)(3): Superiority. “[W]here individual claims of class members  
4 are small, a class action will usually be deemed superior to other forms of  
5 adjudication.” *Miller v. Farmer Bros. Co.*, 115 Wn. App. 815, 828 (2003). Here, the  
6 Court finds that class resolution is superior to other available methods for the fair and  
7 efficient adjudication of this controversy. Here, there are at least 50 class members.  
8 The alternative to a class action would be multiple, individual lawsuits. This would  
9 place unnecessary costs on the Court and the individual litigants and may deny recovery  
10 altogether for class members who are unable or unwilling to bear the burdens and costs  
11 of litigation. A class action is superior here.  
12

13 5. Pursuant to CR 23, Plaintiff Franklin Chunir is hereby appointed and designated  
14 as the class representative. Carson Phillips-Spotts and Lindsay Halm of Schroeter Goldmark  
15 & Bender are hereby appointed and designated as Class Counsel.  
16

17 6. Plaintiff shall submit to the Court within 21 days a proposed Class Notice and  
18 proposed notice plan for approval.

19 7. Within 30 (thirty) days of approval of the Class Notice and notice plan, Class  
20 Counsel shall cause the Class Notice to be delivered to class members for whom they have  
21 been able to obtain contact information. Additionally, Class Counsel may utilize other methods  
22 to (1) identify through reasonable effort those class members who do not appear in Defendants’  
23 records and (2) provide those class members with the best notice practicable under the  
24 circumstances.  
25  
26

1 The class members shall have 30 (thirty) calendar days from the mailing (or

2 alternate delivery) of the Class Notice to return any exclusion requests advising counsel and

3 the Court of their desire to opt-out of the case.

4 9. The Class Notice shall advise class members who do not request exclusion that

5 they may enter an appearance through counsel.

6 10. In the event any Class Notice is returned as undeliverable, all counsel and the

7 third-party administrator (if used) shall use their best efforts to obtain corrected addresses.

8 When corrected addresses are obtained, Class Counsel or the third-party administrator shall

9 promptly mail the Class Notice to the affected individuals, with a new deadline for returning

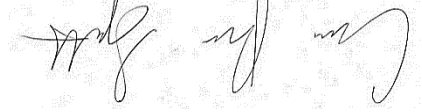
10 the exclusion forms at least thirty (30) days after the date of the new mailing.

11 IT SO ORDERED this 20<sup>th</sup> day of May, 2025.

12  
13  
14 Electronic Signature Attached  
15 Judge Taki V. Flévaris

16 PRESENTED BY:

17 SCHROETER GOLDMARK & BENDER

18  
19  
20 

21 Carson D. Phillips-Spotts, WSBA #51207

22 Lindsay L. Halm, WSBA #37141

23 Adam J. Berger, WSBA #20714

24 *Counsel for Plaintiff*

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

Case Number: 24-2-09567-5 KNT  
Case Title: CHUNIR VS TWO MEN AND A MOVING VAN ET AL  
Document Title: Order  
Date Signed: 05/20/2025



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Judge: Taki Flevaris

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