

FILED The Honorable James S. Elliott
BILLIE A. MAGGARO, CLERK Trial Date: April 6, 2026

2026 FEB -6 P-2:00

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

[JOINT PROPOSED] FINDINGS OF
FACT, CONCLUSIONS OF LAW, AND
ORDER GRANTING CLASS
CERTIFICATION

I. INTRODUCTION

This matter comes before the Court on Plaintiff's Motion for Class Certification pursuant to Civil Rule 23. The Court has reviewed the parties' briefing and authorities, the evidence submitted in connection with those briefs, and heard argument from the parties' counsel. For the reasons stated on the record and further discussed below, the Court GRANTS Plaintiff's motion and finds, concludes, and orders as follows:

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Civil Rule (CR) 23 governs class action certification. Washington courts liberally construe CR 23, resolving doubts in favor of certification. *See Chavez v. Our Lady of*

1 *Lourdes Hosp.*, 190 Wn.2d 507, 518 (2018); *Smith v. Behr Process Corp.*, 113 Wn. App. 306,
2 318-19 (2002). Liberal application of CR 23 saves class members the “cost and trouble of filing
3 individual suits” and “frees the defendant from the harassment of identical future litigation.”
4 *Brown v. Brown*, 6 Wn. App. 249, 257 (1971). A decision on class certification is not a decision
5 on the merits. *Miller v. Farmer Bros. Co.*, 115 Wn. App. 815, 820 (2003). Still, courts go
6 beyond the pleadings and examine the parties’ evidence for purposes of determining whether
7 the criteria of CR 23 are satisfied. *Oda v. State*, 111 Wn. App. 79, 94 (2002).

8
9 2. The Court finds that the prerequisites of CR 23(a) and (b)(3) have been satisfied
10 for the proposed class, defined as follows:

11 Nurses. All hospice and home health nurses employed by Yakima Regional and who
12 worked at any time between April 12, 2012 and August 31, 2017. (“Nurses”).

13 Specifically, the Court finds and concludes:

14 3. CR 23(a)(1) Numerosity. A class may be certified where a plaintiff
15 demonstrates the proposed class is “so numerous that joinder of all members is impracticable.”
16 *Miller*, 115 Wn. App. at 821. Impractical does not mean “impossible,” but rather that it would
17 be difficult or inconvenient to join all members in one action. *Id.* Here, the Court considers the
18 number of class members in the hospice and home health programs together rather than
19 separately, given that the challenged pay and breaks practices cover employees in both
20 programs. Defendant does not dispute that it employed a total of approximately 28 Nurses in
21 full-time, part-time and PRN (Per Diem, only as needed) roles during the entire class period in
22 such programs. The Court finds such number facially sufficient to establish numerosity, based
23 on evidence available at this time, when considered in conjunction with other factors favoring
24
25
26

1 class-wide treatment, including judicial economy and the difficulty individual workers would
2 likely face in funding individual litigation.

3 4. CR 23(a)(2) Commonality. CR 23(a)(2) is met where the plaintiff's claims arise
4 out of a "common course of conduct" or "common nucleus of operative facts." *Brown v.*
5 *Brown*, 6 Wn. App. 249, 255 (1971); *Smith*, 113 Wn. App. at 323. Here, the Court finds that
6 common questions include but are not limited to: whether Defendant recorded all hours
7 worked, whether Defendant paid all hours worked including overtime hours, whether class
8 members received meal periods, whether any underpayment was willful. Defendant has raised
9 differences between class members, such as the type of work performed and the variable nature
10 of daily activities; however, the Court finds that such differences do not sufficiently undermine
11 class treatment when there are overriding common questions related to tracking hours worked
12 and Defendant's common time and pay practices. *Smith*, 113 Wn. App. at 323; *see also Chavez*,
13 190 Wn.2d at 518-19 (differences such as shift length and nurse type do not defeat class
14 treatment). The Court finds that Plaintiff has presented sufficient evidence of a common course
15 of conduct to meet this requirement.

16 5. CR 23(a)(3) Typicality. A named plaintiff's claim is typical if it arises out of
17 the same course of conduct and is based on the same legal theory as the class members' claims.
18 *Smith*, 113 Wn. App. at 320. There is significant overlap between commonality and typicality.
19 *Oda*, 111 Wash. App. at 89. Here, Plaintiff's claims are typical of the class because he worked
20 as a Nurse and was subject to the same productivity requirements and pay practices as the
21 Nurses he seeks to represent. To the extent Defendant wishes to assert a unique defense as to
22 his claim, the Court concludes that class treatment does not preclude such presentation of
23 evidence. *See Moeller v. Farmers Ins. Co. of Wash.*, 173 Wn.2d 264, 280 (2011).

24 6. CR 23(a)(4) Adequacy of Representation. On this element, there must be no
25 adversity of interest between the class representative and other class members, and the
26 attorneys for the class representative must be qualified to conduct the proposed litigation. Here,

1 Defendant does not dispute Class Counsel possess the requisite qualifications to conduct this
2 litigation. As for Mr. Campeau's adequacy, he confirmed in deposition that he understands that
3 his role is to represent the interests of the class. The Court is not persuaded that the discipline
4 Defendant referenced in its briefing and at oral argument, makes him inadequate to serve in
5 such capacity. The Court finds that Plaintiff has satisfied this criterion.

6 7. CR 23(b)(3) Predominance. Whether common issues predominate over
7 individual ones is a "pragmatic" inquiry into whether there is a "common nucleus of operative
8 facts" as to all class claims. *Smith*, 113 Wn. App. at 323. Predominance is not a "rigid test,"
9 but contemplates "many factors," the central one being "whether adjudication of the common
10 issues in the particular suit has important and desirable advantages of judicial economy
11 compared to all other issues, or when viewed by themselves." *Sitton v. State Farm Mut. Auto.*
12 *Ins. Co.*, 116 Wn. App. 245, 254 (2003) (internal quotation and citations omitted). The Court
13 finds that predominance is satisfied here because questions of law and fact common to all class
14 members predominate over questions affecting only individual members. Such common
15 questions of law and fact include those identified above. Although Defendant has identified
16 differences in the type of work performed and how Nurses tracked their time, the Court finds
17 that such differences do not override the common liability questions. Among other evidence
18 presented by Plaintiff, the Court considered the deposition testimony of Defendant's
19 Administrator (Chambard) regarding her fair and equal application of pay and timekeeping
20 practices to all Nurses. Finally, to the extent there are individual differences related to the
21 extent of damages, such questions do not undermine certification. *Smith*, 113 Wn. App. at 323.

22 8. CR 23(b)(3): Superiority. This criterion requires that a class action be "superior
23 to other available methods for the fair and efficient adjudication of the controversy." CR
24 23(b)(3). Here, the Court finds that class resolution is superior to other available methods. The
25 alternative to class resolution would be up to 28 individual claims that could impose a
26 significant cost on the judicial system. Further, the Court does not find other potential avenues

1 proposed by Defendant, like, administrative hearings, to be superior to a class action, which
2 would also deprive Nurses their day in court.

3 9. Pursuant to CR 23, Plaintiff Daniel Campeau is hereby appointed and
4 designated as the class representative. Lindsay Halm and Carson Phillips-Spotts of Schroeter
5 Goldmark & Bender is hereby appointed and designated as Class Counsel.

6 10. The parties shall confer and attempt to agree upon a Class Notice within five
7 (5) court days from the date of this Order. If agreement is reached, the proposed Class Notice
8 shall be submitted for approval by the Court on a joint motion. If no agreement can be reached,
9 each party shall submit to the Court its proposed Class Notice within either (8) court days from
10 the date of this Order.

11 11. Once a Class Notice is approved, Defendant's counsel shall provide to Class
12 Counsel, within five (5) court days of the date of such approval, a complete list of the class
13 members with their last known addresses, email and telephone numbers, and Social Security
14 numbers (which shall only be used to identify correct addresses if necessary). The Social
15 Security numbers shall be kept strictly confidential by Class Counsel.

16 12. Class Counsel shall cause the Class Notice to be mailed to class members within
17 10 (ten) calendar days of receipt of the complete list of class members and their last known
18 contact information. Class Counsel may but does not have to employ a third-party
19 administrator to provide this notice.

20 13. The class members shall have 30 (thirty) calendar days from the mailing of the
21 Class Notice to return their exclusion (opt-out) requests advising counsel of their desire to opt-
22 out of the case.

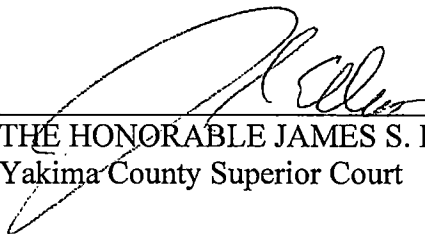
23 14. The Class Notice shall advise class members who do not request exclusion that
24 they may enter an appearance through counsel.

25 15. In the event any Class Notice is returned as undeliverable, all counsel and any
26 third-party administrator shall use their best efforts to obtain corrected addresses. When

1 corrected addresses are obtained, Class Counsel or the third-party administrator shall promptly
2 mail the Class Notice to the affected individuals, with a new deadline for returning the
3 exclusion forms at least thirty (30) calendar days after the date of the new mailing.

4 16. In accordance with CR 23, this Order is conditional and may be altered or amended
5 before a decision on the merits.

6 IT SO ORDERED this 5th day of February 2026.
7

8
9 
10 THE HONORABLE JAMES S. ELLIOTT
11 Yakima County Superior Court
12
13

14 PRESENTED BY:

15 SCHROETER GOLDMARK & BENDER
16

17 s/ Lindsay Halm
18 LINDSAY L. HALM, WSBA #37141

19 DAVIS WRIGHT TREMAINE LLP

20 s/ Paula L. Lehmann
21 PAULA L. LEHMANN, WSBA #20678
22
23
24
25
26