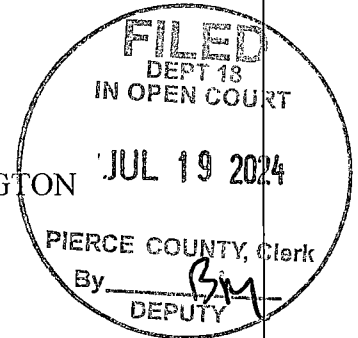


The Honorable STANLEY J. RUMBAUGH



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

LEE ANNE REDMOND, individually, and  
on behalf of those similarly situated, and  
DENNIS DOWDS, individually, and on  
behalf of those similarly situation,

Plaintiffs,

vs.

LIBERTY MUTUAL FIRE INSURANCE  
COMPANY and LM GENERAL  
INSURANCE COMPANY,

Defendants.

NO. 22-2-10005-8

ORDER PRELIMINARILY APPROVING  
SETTLEMENT AND DIRECTING  
NOTICE TO CLASS

~~PROPOSED~~

LEE ANNE REDMOND and DENNIS DOWDS, on behalf of themselves and the  
proposed Settlement Class, and Defendants, LIBERTY MUTUAL FIRE INSURANCE  
COMPANY and LM GENERAL INSURANCE COMPANY (“LIBERTY MUTUAL”) acting  
by and through their respective counsel, have agreed, subject to Court approval following  
sending of the Class Notice to the Settlement Class and a hearing, to settle this Action upon the  
terms and conditions in the Stipulation of Settlement, also referred to as the “Settlement  
Agreement” or “Agreement”, filed with the Court on July 3, 2024; and

ORDER PRELIMINARILY APPROVING CLASS ACTION  
SETTLEMENT AND DIRECTING NOTICE TO CLASS - 1

Law Offices of  
STEPHEN M. HANSEN, P.S.  
3800 Bridgeport Way W, Suite A, PMB 5  
University Place, Washington 98466  
(253) 302-5955; (253) 301-1147 Fax

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1 The Parties have made an application pursuant to Wash. R. Civ. P. 23 for preliminary  
2 approval of the Settlement of this Action, as set forth in the Agreement; and

3  
4 The Court has read and considered the Agreement and the exhibits thereto and has read  
5 and considered all other papers filed and proceedings had herein, and is otherwise fully  
6 informed, and with good cause appearing,

7 IT IS HEREBY ORDERED AS FOLLOWS:

8  
9 1. This Preliminary Approval Order incorporates by reference the definitions in the  
10 Agreement.

11 2. The Court has jurisdiction over the subject matter of this Action and over all  
12 Parties to this Action, including the Named Plaintiffs, all Settlement Class Members and  
13 Defendants.

14 3. The Court certifies the Settlement Class, for settlement purposes only, defined as  
15 follows:

16 All LIBERTY MUTUAL insureds with Washington policies issued in Washington State,  
17 where the insureds' vehicle damages were covered under Underinsured Motorist Property  
18 Damage coverage, and

- 19 1. the repair estimates on the vehicle (including any  
20 supplements) totaled at least \$1,000; and  
21 2. the vehicle was no more than six years old (model year  
22 plus five years) and had less than 90,000 miles on it at the time of  
23 the accident; and  
24 3. the vehicle suffered structural (frame) damage and/or  
25 deformed sheet metal and/or required body or paint work.

26 Excluded from the Class are (a) claims involving leased vehicles or total losses, (b) the  
assigned judge, the judge's staff and family, and (c) accidents with a date of loss before  
November 7, 2016.

The Class period shall run through the date of this Order.

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1 4. For purposes of determining whether the terms of the Proposed Settlement should  
2 be finally approved as fair, reasonable and adequate, and contingent upon the Settlement being  
3 finally approved, Plaintiffs LEE ANNE REDMOND and DENNIS DOWDS are appointed as  
4 Class Representatives, and the following counsel are designated as counsel for the Class ("Class  
5 Counsel"):

6  
7 Scott P. Nealey  
8 Law Office of Scott P. Nealey  
9 315 Montgomery Street, 10th Floor  
10 San Francisco, CA 94104

11 Stephen M. Hansen  
12 Law Offices of Stephen M. Hansen, P.S.  
13 3800 Bridgeport Way West, Ste. A  
14 PMB 5  
15 University Place, WA 98466

16 5. If final approval of the Proposed Settlement is not obtained, or if Final Judgment  
17 as contemplated herein is not granted, this Order shall be vacated *ab initio* and the Parties shall  
18 be restored without prejudice to their respective litigation positions prior to the date of this Order  
19 of Preliminary Approval.

20 6. Pending final determination of whether the Proposed Settlement should be  
21 approved, all proceedings in the Action shall be stayed until further order of the Court, except  
22 such proceedings as may be necessary either to implement the Proposed Settlement or to comply  
23 with or effectuate the terms of the Stipulation of Settlement.

24 7. Within sixty (60) days after the entry of this Order, the Claims Administrator shall  
25 send a copy of the Individual Notice and a Claim Form (or Claim Forms if a Class Member has  
26 multiple claims), pre-printed with the Class Member's name and most recent address, the date of  
the loss, and the vehicle make, model, and year, by first-class mail, to each Person on the

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1 Settlement Class List. Prior to any mailing the Claims Administrator shall update all addresses  
2 on the Class List by running the addresses thereon through the National Change of Address Data  
3 Base. In furtherance of this Paragraph, the Court appoints KCC Class Action Services as the  
4 Claims Administrator for this matter.

5 8. The Court preliminarily finds that the dissemination of the Individual Notice and  
6 Claim Form under the terms and in the format provided for in this Order and the Stipulation of  
7 Settlement constitutes the best notice practicable under the circumstances and is due and  
8 sufficient notice for all purposes to all persons entitled to such notice, and fully satisfies the  
9 requirements of due process, the Washington Rules of Civil Procedure and all other applicable  
10 laws.

11 9. A hearing (the "Final Settlement Hearing") shall be held on December 20  
12 2024 at 9:00 clock a.m./p.m., Courtroom 411, (or as posted) as set forth in the Individual  
13 Notice, to determine whether the Proposed Settlement of this Action (including the payment of  
14 attorneys' fees and costs to Class Counsel) should be approved as fair, reasonable, and adequate,  
15 and to determine whether final judgment approving the Proposed Settlement and dismissing all  
16 claims asserted in this Action on the merits, with prejudice and without leave to amend, should  
17 be entered. The Final Settlement Hearing may be postponed, adjourned or rescheduled by order  
18 of the Court without further notice to the Class Members.

19 10. Objections to the Settlement shall be heard, and any papers or briefs submitted in  
20 support of said objections shall be considered, by the Court (unless the Court in its discretion  
21 shall otherwise direct) only if they comply with the objection procedures set forth in the  
22 Stipulation of Settlement and Notice. Specifically, members of the Class who have not  
23 previously opted out of the Class must file a notice of intent to object to the Settlement. To be  
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effective, a notice of intent to object to the Settlement must: (1) contain a heading that includes the name of the case and case number; (2) provide the name, address, telephone number and signature of the Class Member filing the objection; (3) be filed with the Clerk of the Court not later than thirty (30) days before the Final Settlement Hearing; (4) be served on Class Counsel and counsel for the Defendants at the addresses below by first-class mail, postmarked no later than thirty (30) before the Final Settlement Hearing; (5) contain the name, address, bar number and telephone number of the objecting Class Member's counsel, if represented by an attorney. Class Members represented by an attorney must comply with all applicable laws and rules for filing pleadings and documents in the Court; and state whether they intend to appear at the Final Settlement Hearing, either in person or through counsel.

11. In addition to the foregoing, a notice of intent to object must contain the following information, if the Class Member or his/her attorney requests permission to speak at the Final Settlement Hearing: (1) a detailed statement of the specific legal and factual basis for each and every objection; and (2) a detailed description of any and all evidence the Objector may offer at the Final Settlement Hearing, including photocopies of any and all exhibits which may be introduced at the Final Settlement Hearing. Any individual or entity who objects, must submit themselves or itself to discovery pursuant to the Stipulation of Settlement, under the timelines specified therein.

12. Settlement Class Members who wish to exclude themselves from the Settlement Class must prepare a written request for exclusion, postmarked no later than thirty (30) days before the Final Settlement Hearing, which shall be sent to the Claims Administrator. Written requests for exclusion must be signed and include the individual's name, address, and telephone number, and expressly state the desire to be excluded from the Settlement Class. Requests for

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1 exclusion must be exercised individually by the Class Member, not as or on behalf of a group,  
2 class, or subclass, except that such exclusion requests may be submitted by a Class Member's  
3 Legally Authorized Representative.

4 13. All Class Members who do not opt out of the Class shall be bound by any  
5 Approval Order and Final Judgment entered pursuant to the Stipulation of Settlement, and shall  
6 be barred and enjoined, now and in the future, from asserting any and all of the Released Claims,  
7 as defined in the Stipulation of Settlement, against the Released Persons, as defined in the  
8 Stipulation of Settlement, and any such Class Member shall be conclusively deemed to have  
9 released any and all such Released Claims.  
10

11 14. Class Counsel agree that any representation, encouragement, solicitation or other  
12 assistance, including but not limited to referral to other counsel, of or to any Opt Outs or any  
13 other person seeking to litigate with Defendants over any of the claims covered under the  
14 Release in this matter could place Class Counsel in an untenable conflict of interest with the  
15 Class. Accordingly, Class Counsel and their respective firms agree (only to the extent that it is  
16 otherwise not violative of any applicable rules governing the practice of law) not to represent,  
17 encourage, solicit or otherwise assist, in any way whatsoever (including, but not limited to  
18 referrals to other counsel) any Opt Out except that referring such person to the Notice or  
19 suggesting to any such person the option of obtaining separate counsel, without specifically  
20 identifying options for such counsel, shall be permitted under the terms of this provision.  
21 Additionally, Class Counsel and their respective firms agree (only to the extent that it is  
22 otherwise not violative of any applicable professional rules) not to represent, encourage, solicit  
23 or otherwise assist, in any way whatsoever, any Opt Out or any other person who seeks to  
24 represent any form of opt-out class, or any other person, in any subsequent litigation that person  
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1 may enter into with Released Persons regarding the Released Claims or any related claims,  
2 except that suggesting to any such person the option of obtaining separate counsel, without  
3 specifically identifying options for such counsel, shall be permitted.

4 15. The Settlement fits within the parameters necessary for potential final approval,  
5 and is therefore hereby preliminarily approved, but is not to be deemed an admission of liability  
6 or fault by Defendants or by any other person, or a finding of the validity of any claims asserted  
7 in the Action or of any wrongdoing or of any violation of law by Defendants. The Settlement is  
8 not a concession and shall not be used as an admission of any fault or omission by Defendants or  
9 any other person or entity. Neither the terms or provisions of the Stipulation of Settlement, nor  
10 any related document, nor any of the negotiations or proceedings connected with it, shall be  
11 offered as evidence or received in evidence in any pending or future civil, criminal, or  
12 administrative action nor proceeding, to establish any liability or admission by Defendants  
13 except in any proceedings brought to enforce the Stipulation of Settlement, except that the  
14 Released Persons may file this Order in any action that may be brought against any of them in  
15 order to support a defense or counterclaim based on principles of res judicata, collateral estoppel,  
16 release, good faith settlement, judgment bar or reduction, or any other theory of claim preclusion  
17 or issue preclusion, or similar defense or counterclaim.

18 16. Upon motion of any party, the Court may, for good cause, extend any of the  
19 deadlines set forth in this Order without further notice to the Class.

20 17. Pending final determination as to whether the Proposed Settlement should be  
21 approved, no Class Member shall commence, prosecute, pursue, or litigate any Released Claims  
22 against any Released Person, whether directly, representatively, or in any capacity, and  
23 regardless of whether any such Class Member has appeared in the Action.  
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25  
26

ORDER PRELIMINARILY APPROVING CLASS ACTION  
SETTLEMENT AND DIRECTING NOTICE TO CLASS - 7

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3800 Bridgeport Way W, Suite A, PMB 5  
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(253) 302-5955; (253) 301-1147 Fax

1 Based upon the above, IT IS SO ORDERED.

2 DONE IN OPEN COURT this 19<sup>th</sup> day of July, 2024.

3  
4  
5   
6  
7  
8 STANLEY J. RUMBAUGH  
9 Superior Court Judge

10 Presented by:

11 Law Offices of STEPHEN M. HANSEN, P.S.

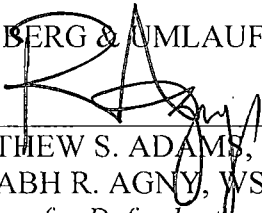
12   
13 STEPHEN M. HANSEN, WSBA #15642

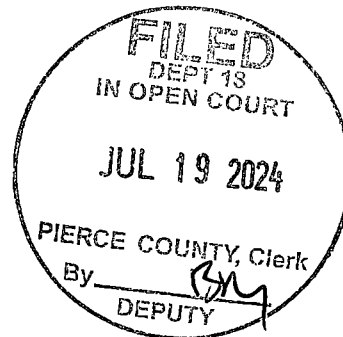
14 SCOTT P. NEALEY  
15 201 Spear St Suite 1100  
16 San Francisco, CA 94105  
17 Phone: 415-231-5311  
18 Fax: 415-231-5313  
19 Cell: 415-640-4806  
20 [snealey@nealeylaw.com](mailto:snealey@nealeylaw.com)

21 *Attorneys for Plaintiffs*

22 Copy Received; Approved as to Form  
23 and Content:

24 FORSBERG & UMLAUF, P.S.

25   
26 MATTHEW S. ADAMS, WSBA #18820  
RISHABH R. AGNY, WSBA #49721  
*Attorney for Defendants*



ORDER PRELIMINARILY APPROVING CLASS ACTION  
SETTLEMENT AND DIRECTING NOTICE TO CLASS - 8

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