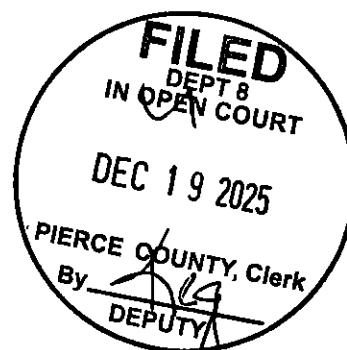




Honorable Grant Blinn



SUPERIOR COURT OF WASHINGTON  
IN AND FOR PIERCE COUNTY

M.N., A.B., G.T., and W.N., individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

MULTICARE HEALTH SYSTEM, INC., a  
Washington corporation,

Defendant.

No. 18-2-08055-5

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARDS**

This matter came to be heard on Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards. The Court held a hearing on this Motion on December 19, 2025. This Order grants the Motion in full for the following reasons.

**I. ATTORNEYS' FEES**

1. Class Counsel ask for fees of \$1,333,333 out of the \$4 million Settlement Fund—  
i.e., one-third of the Settlement Fund. That request is granted.

2. Because Class Counsel's work has created "a common fund for the benefit of others," they "are entitled to attorney fees." *Bowles v. Dep't of Ret. Sys.*, 121 Wn.2d 52, 71, 847 P.2d 440 (1993). To calculate a reasonable fee, the Court will use the "percentage of recovery approach," which is typically used to award fees under the common-fund doctrine. *Id.* at 72.

1           3.       The “benchmark” percentage fee in Washington is 25 percent, which “can be  
2 adjusted upward or downward based on special circumstances.” *Id.* As one of the cases on  
3 which *Bowles* relied noted, these special circumstances include cases where a benchmark fee  
4 “would be either too small or too large in light of the hours devoted to the case or other relevant  
5 factors.” *Six (6) Mexican Workers v. Ariz. Citrus Growers*, 904 F.2d 1301, 1311 (9th Cir. 1990).

6           4.       “[O]ther relevant factors,” *id.*, include (1) the results that counsel achieved for  
7 the class; (2) the risk that counsel assumed in taking the litigation on a contingent basis; (3)  
8 whether counsel generated benefits beyond the cash settlement fund; (4) the range of fee awards  
9 in class-action settlements of comparable size; and (5) the burdens that counsel assumed by  
10 prosecuting the case. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048–50 (9th Cir. 2002)  
11 (applying Washington law).

12           5.       The Court finds that Class Counsel achieved excellent results for the Settlement  
13 Classes. After probable notice and settlement-administration expenses and all the fees and  
14 expenses requested by Class Counsel, equal distribution of the remaining funds to the  
15 approximately 2,750 Settlement Class Members will result in an award of approximately \$830  
16 to each Settlement Class Member. The Court agrees that this is a considerable sum in light of  
17 the challenges that the Settlement Classes would have faced in proving large emotional-distress  
18 damages and in maintaining class certification on appeal from any favorable verdict. *See Pls.’*  
19 *Mot. for Prelim. Approval* at 7–8 (July 11, 2025). The results achieved favor a percentage fee  
20 above the 25 percent benchmark.

21           6.       The Court also finds that this case was risky. When filed, Washington had no  
22 precedent governing medical-negligence claims arising out of the fear of disease transmission.  
23 Indeed, at that time, Defendant was able to rely on apparently favorable out-of-state precedent.  
24 *See M.N. v. MultiCare Health Sys., Inc.*, 2 Wn.3d 655, 541 P.3d 346, 356 (2024) (“MultiCare  
25 points out that the majority of jurisdictions [have] adopted the ‘actual exposure’ requirement  
26 [for legal causation].”). Attempting to litigate this case as a class action was also risky, since

1 certification of classes seeking damages solely for emotional distress is not common. These  
2 risks favor an award above the benchmark.

3 7. Class Counsel's work generated benefits beyond the Settlement Fund. By  
4 pursuing this case up to this state's highest court, Class Counsel helped establish a favorable  
5 new standard of legal causation in chapter 7.70 RCW cases involving the fear of infection. This  
6 public benefit favors an upward adjustment to the benchmark. *See Vizcaino*, 290 F.3d at 1050  
7 ("[T]he litigation also benefitted employers and workers nationwide by clarifying the law of  
8 temporary worker classification.").

9 8. The Court finds that a fee of one-third of the Settlement Fund is within the range  
10 of fees awarded in cases of comparable size. It does not appear uncommon for fees in such cases  
11 to exceed one-third. *Ginzkey v. Nat'l Sec. Corp.*, No. C18-1773RSM, 2022 WL 16699092, at \*1  
12 (W.D. Wash. Nov. 3, 2022); *Dennings v. Clearwire Corp.*, No. C10-1859JLR, 2013 WL  
13 1858797, at \*8 (W.D. Wash. May 3, 2013). One court in western Washington, citing several  
14 other federal court orders, recently found that fee awards of one-third are "typical for  
15 settlements up to \$10 million." *Williams v PillPack LLC*, No. 3:19-CV-05282-DGE, 2025 WL  
16 1149710, at \*3 (W.D. Wash. Apr. 18, 2025). Class Counsel's requested fee is thus within the  
17 norm for cases of this size.

18 9. Class Counsel pursued this case on a contingent basis over more than seven  
19 years, paid out "hundreds of thousands of dollars of expense," *Vizcaino*, 290 F.3d at 1050, and  
20 spent more than 5,500 hours on the litigation. These burdens favor an upward adjustment to the  
21 benchmark fee.

22 10. Finally, a lodestar cross-check strongly supports the requested fee. Class Counsel  
23 have provided sufficient evidence to support the lodestar claimed. More generally, as Class  
24 Counsel correctly point out, even if their lodestar were considerably lower, the risk multiplier  
25 here would still be below 1. This unusual "negative" multiplier strongly supports the one-third  
26 fee award. *See Williams*, 2025 WL 1149710, at \*3.

11. Any interest that has accrued or will accrue on the \$1,333,333 while that amount was and is in the interest-bearing Settlement Fund shall also be awarded to Class Counsel.

## II. EXPENSES

12. In addition to the award of attorneys' fees, the Court awards to Class Counsel \$265,781.77 as reimbursement of litigation expenses. Class Counsel have adequately documented these expenses, all of which are compensable litigation expenses advanced for the benefit of the Settlement Classes.

## III. SERVICE AWARDS

13. The Court finds that the proposed service awards of \$5,000 per Named Plaintiff are fair and reasonable, given the amount and kind of work that the Named Plaintiffs have performed on behalf of the Settlement Classes. The Named Plaintiffs testify to spending between approximately 50 to 80 hours on this litigation.

14. The service awards are in line with those awarded in comparable cases and, in the aggregate, represent a tiny fraction of the Settlement Fund.

## IV. CONCLUSION

15. Having carefully considered all papers submitted in connection with the Motion for Attorneys' Fees, Expenses, and Service Awards, the Court awards: (a) \$1,333,333 in attorneys' fees to Class Counsel, plus any interest that has accrued or will accrue on that amount while in the interest-bearing Settlement Fund; (b) \$265,781.77 in reimbursement of Class Counsel's litigation expenses; and (c) service awards of \$5,000 to each of the three Named Plaintiffs, for a total of \$15,000.

**IT IS SO ORDERED.**

Dated this 19<sup>th</sup> day of December, 2025.

  
HONORABLE GRANT BLINN

**FILED**  
DEPT 8  
IN OPEN COURT  
DEC 19 2025  
PIERCE COUNTY, Clerk  
By  DEPUTY

1 PRESENTED BY:

2  
3 s/ Benjamin Gould  
4 Benjamin Gould  
5 Attorney for Plaintiffs

6 APPROVED AS TO FORM BY:

7 s/ Joseph V. Gardner  
8 Joseph V. Gardner  
9 Attorney for Defendant  
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