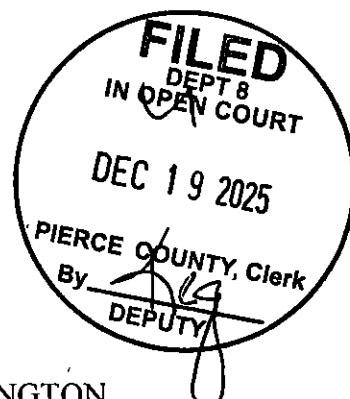


Honorable Grant Blinn



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7 SUPERIOR COURT OF WASHINGTON
8 IN AND FOR PIERCE COUNTY
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10 M.N., A.B., G.T., and W.N., individually and on
11 behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 MULTICARE HEALTH SYSTEM, INC., a
Washington corporation,

15 Defendant.

16 No. 18-2-08055-5

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18
19 **ORDER GRANTING PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
EXPENSES, AND SERVICE AWARDS**

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

23 **I. ATTORNEYS' FEES**

24 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.

25 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); *Denning 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
12 was and is in the interest-bearing Settlement Fund shall also be awarded to Class Counsel.

3 II. EXPENSES

4 12. In addition to the award of attorneys' fees, the Court awards to Class Counsel
5 \$265,781.77 as reimbursement of litigation expenses. Class Counsel have adequately
6 documented these expenses, all of which are compensable litigation expenses advanced for the
7 benefit of the Settlement Classes.

8 III. SERVICE AWARDS

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

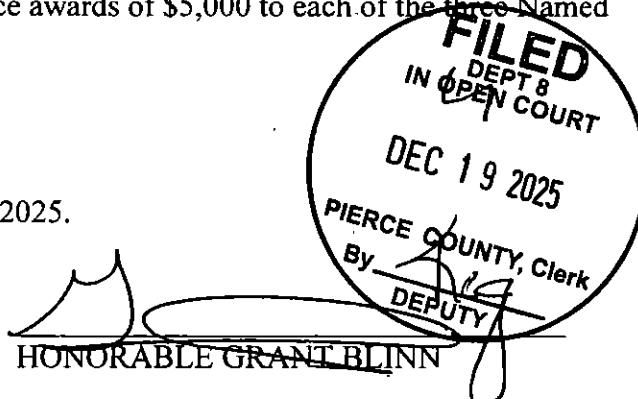
13 14. The service awards are in line with those awarded in comparable cases and, in
14 the aggregate, represent a tiny fraction of the Settlement Fund.

15 IV. CONCLUSION

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

22 IT IS SO ORDERED.

23 Dated this 19th day of December, 2025.



1 PRESENTED BY:

2 s/ Benjamin Gould

3 Benjamin Gould

4 Attorney for Plaintiffs

5 APPROVED AS TO FORM BY:

6 s/ Joseph V. Gardner

7 Joseph V. Gardner

8 Attorney for Defendant

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ORDER GRANTING MOTION FOR ATTORNEYS' FEES,
EXPENSES, AND SERVICE AWARDS - 5

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