

THE HONORABLE MARSHA J. PECHMAN

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13 UNITED STATES DISTRICT COURT
14 WESTERN DISTRICT OF WASHINGTON
15 AT SEATTLE
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17 MARKELETTA WILSON, MARIE
18 TOWNES, and all other similarly situated
19 individuals,
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21 Plaintiffs,
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23 v.
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25 SEATTLE HOUSING AUTHORITY, et
26 al.,
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28 Defendants.
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No. C09-00226 MJP

PRELIMINARY APPROVAL ORDER

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33 This matter came before the Court for consideration of the Joint Motion for Preliminary
34 Approval of Proposed Class Action Settlement (“Joint Motion”) made by Plaintiffs Markeletta
35 Wilson and Marie Townes and Defendants Seattle Housing Authority (“SHA”) and Thomas
36 Tierney, Executive Director of SHA, in his official capacity. The Court, having considered the
37 Joint Motion, the declarations in support of the Joint Motion, the Settlement Agreement with its
38 exhibits, and all other matters properly before the Court, hereby orders as follows:
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44 1. The Court finds that the Settlement Agreement was the result of serious,
45 informed, non-collusive, and arms-length negotiations between competent counsel assisted by
46 the Hon. Terrence Carroll (ret.); that it falls within the range of reasonableness and possible
47 approval; and that it treats all Class Members fairly. The Court grants preliminary approval of
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PRELIMINARY APPROVAL ORDER
(No. C09-00226 MJP) – 1

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2 the Settlement Agreement, and its terms are conditionally approved, subject to final approval at
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4 the Fairness Hearing.

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6 2. The Settlement Agreement is adopted by the Court and made part of this Order as
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8 if set out in full herein. The Court, for purposes of this Order, adopts the definitions set forth in
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10 the Settlement Agreement. All capitalized terms in this Order shall have the same meaning as in
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12 the Settlement Agreement.

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14 3. Pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2), the proposed
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16 Settlement Class is hereby provisionally certified for settlement purposes only. The Settlement
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18 Class is defined as follows: All SHA Section 8 voucher holders who had termination hearings
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20 on or after February 20, 2006 and before August 1, 2008 and whose Section 8 vouchers were
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22 terminated as a result of such hearings. The Settlement Class consists of 80 members; the
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24 identities of Class Members are known and listed on Exhibit E to the Settlement Agreement.

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26 4. Pursuant to Federal Rule of Civil Procedure 23, and for purposes of settlement
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28 only, the Court makes the following preliminary findings of fact and conclusions of law:

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30 a. The Settlement Class is sufficiently definite;
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32 b. The Settlement Class is so numerous that joinder of all members of the
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34 Settlement Class is impracticable;
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36 c. There are questions of law and/or fact common to the Settlement Class;
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38 d. Plaintiffs' claims are typical of the claims of the members of the
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40 Settlement Class;
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42 e. Plaintiffs and their counsel have and will fairly and adequately represent
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44 and protect the interests of the Settlement Class; and
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46 f. The alleged acts or omissions of Defendants which are at issue in this
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48 litigation apply generally to the Settlement Class, so that final injunctive relief or corresponding
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50 declaratory relief is appropriate respecting the Settlement Class as a whole.
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2 5. The Court approves the proposed method of dissemination of notice set forth in
3 the Settlement Agreement. The notice meets the requirements of due process and is reasonable
4 under the circumstances. The Notice of Proposed Class Action Settlement shall be issued within
5 thirty (30) Days of the date of this Order, all as set forth in the Settlement Agreement.
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9 Defendants shall notify the appropriate federal and state officials pursuant to the Class Action
10 Fairness Act of 2005, 28 U.S.C. § 1715.
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13 6. Any Class Member who wishes to object to the fairness, reasonableness, or
14 adequacy of the Settlement Agreement must, no later than twenty-one (21) Days before the
15 Fairness Hearing, file and serve a written statement of the objection(s). The written statement
16 must include (a) a detailed statement of the Class Member's objection(s), as well as the specific
17 reasons for each objection, including any evidence and legal authority the Class Member wishes
18 to bring to the Court's attention and any evidence the Class Member wishes to introduce in
19 support of his or her objection(s); (b) the Class Member's name, address and telephone number;
20 and (c) information demonstrating that the Class Member is entitled to be included as a member
21 of the Class.
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25 7. Class Members may raise an objection either on their own or through an attorney
26 hired at their own expense. If a Class Member hires an attorney other than Class Counsel to
27 represent him or her, the attorney must, no later than twenty-one (21) Days before the Fairness
28 Hearing, file and serve a notice of appearance.
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31 8. Class Members or their attorneys intending to make an appearance at the Fairness
32 Hearing must, no later than twenty-one (21) Days before the Fairness Hearing, file and serve a
33 notice of their intention to appear at the hearing.
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37 9. Any Class Member who fails to comply with paragraphs 6-8 above shall waive
38 and forfeit any and all rights he or she may have to appear separately and/or object.
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2 10. The Parties shall file any responses to objections no later than six (6) Days before
3 the Fairness Hearing.
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5 11. The motion for approval of Class Counsel's attorneys' fees and costs and Class
6 Representative incentive payments shall be filed with the Court and posted on Columbia Legal
7 Services' website no later than sixty (60) Days before the Fairness Hearing. Any objections to
8 the motion for approval of Class Counsel's attorneys' fees and costs and Class Representative
9 incentive payments shall be filed with the Court no later than twenty-one (21) Days before the
10 Fairness Hearing. Any reply in support of the motion for approval of Class Counsel's attorneys'
11 fees and costs and Class Representative incentive payments shall be filed with the Court no later
12 than six (6) Days before the Fairness Hearing.
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21 12. The Fairness Hearing shall be conducted on **Monday, January 9, 2012**, at
22 **4 p.m.**. The Fairness Hearing shall take place in Courtroom 14206, 14th Floor, at the United
23 States District Court for the Western District of Washington at Seattle, 700 Stewart Street,
24 Seattle, WA 98101. At the Fairness Hearing, the Court will consider whether to, among other
25 things: (a) grant final certification of the Settlement Class; (b) enter judgment in accordance
26 with the Settlement Agreement; (c) approve the settlement as final, fair, reasonable, adequate and
27 binding on all Class Members; (d) approve the payment of reasonable attorneys' fees and costs
28 for Class Counsel and incentive payments to the Class Representatives, if any, pursuant to
29 subsection 3.7 of the Settlement Agreement; and (e) order the release of all Class Members'
30 claims pursuant to Section 9 of the Settlement Agreement and dismiss this Action with prejudice.
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2 13. Pending further orders by this Court, all proceedings and case scheduling
3 deadlines in this Action, other than proceedings pursuant to this Order, shall be and hereby are
4 stayed.
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7 DATED this 20th day of September, 2011.
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13 Marsha J. Pechman
14 United States District Judge
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