

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRETT DURANT, On Behalf of Himself
and all other similarly situated

No. 2:15-cv-01710 RAJ

Plaintiffs,

ORDER

vs.

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY, a foreign automobile
insurance company,

Defendant.

This matter comes before the Court on Plaintiff's amended motion to approve class notice and appoint class counsel (Dkt. ## 86, 93) and Defendant's motion to stay (Dkt. # 89).

The Court certified this class action as well as questions to the Washington Supreme Court. Dkt. ## 50, 76. The questions posed to the Washington Supreme Court are relevant to any dispositive motions that Defendant may file in this matter. But the answers to those questions will not act to void this Court's order certifying the class. Accordingly, the Court finds that sending notice to potential class members is procedurally appropriate.

Defendant raises several objections to Plaintiff's proposed amended notice. Dkt. #

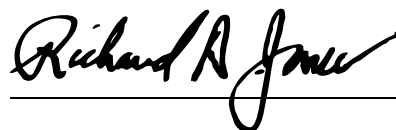
1 88. Plaintiff does not oppose some of Defendant's proposed changes to the class notice.
2 The Court approves the notice with the changes proposed by Defendant and agreed to by
3 Plaintiff. However, the Court agrees with Plaintiff regarding the remaining changes
4 proposed by Defendant; these are not appropriate and will not be included in the class
5 notice. Therefore, the Court **APPROVES** Plaintiff's class notice subject to the agreed
6 changes found in Defendant's opposition brief and Plaintiff's reply brief.

7 In addition, Plaintiff seeks updated spreadsheets of potential class members. Dkt.
8 ## 86, 90. The Court **GRANTS** this request; Defendant must produce the updated list of
9 potential class members to Plaintiff within thirty (30) days from the date of this Order.

10 Plaintiff also seeks to appoint class counsel. Defendant's opposition relates only
11 to its wish to stay this matter pending Washington Supreme Court's decision on the
12 certified questions. But Defendant raises no substantive arguments that go to the merits
13 of whether Mr. Nauheim should be appointed class counsel. Seeing no issue with the
14 merits of Plaintiff's request, the Court **GRANTS** Plaintiff's motion to appoint Mr.
15 Nauheim as class counsel.

16 Defendant seeks to stay this matter pending the Washington Supreme Court's
17 determinations with regard to the certified questions. Dkt. # 89. The Court finds that a
18 stay is appropriate as to dispositive motion deadlines but not with regard to class notice.
19 Accordingly, the Court **GRANTS** Defendant's motion to the extent that any dispositive
20 motion deadlines are stayed pending the Washington Supreme Court's determinations
21 with regard to the certified questions.

22
23 Dated this 31st day of May, 2018.

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26 The Honorable Richard A. Jones
27 United States District Judge