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JAN 14 2022
SUPERIOR COURT
ADMINISTRATOR'S OFFICE

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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE**

JAKE MILLER and DOREEN MILLER,
husband and wife, on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

GUENTHER MANAGEMENT, LLC, a
Washington limited liability company,

Defendant.

Case No.: 20-2-02604-32

**DECLARATION OF VANESSA
PADELFORD REGARDING CLASS
NOTICE AND SETTLEMENT
ADMINISTRATION**

I, VANESSA PADELFORD, declare as follows:

- I am a Client Engagement Manager at JND Legal Administration LLC ("JND"). This Declaration is based on my personal knowledge, as well as information provided to me by experienced JND employees and, if called upon to do so, I could and would testify competently thereto.
- JND is serving as the Settlement Administrator¹ in the above-captioned litigation ("Action") for the purpose of administering the Settlement Agreement as approved by the Court's Amended Preliminary Approval Order.

CLASS MEMBER DATA

3. On October 18, 2021, Defendant provided JND with 1,806 Settlement Class Member data records including full name, last known mailing address, email address (if available), and other

¹ Capitalized terms used and not otherwise defined in this Declaration shall have the meanings given such terms in the Settlement Agreement and Release of Claims, filed September 17, 2021 ("Settlement Agreement") or the Amended Preliminary Approval Order, dated October 7, 2021 ("Amended Preliminary Approval Order").

1 contact information. On October 21, 2021, Defendant provided JND with a revised list with 1,798
2 Settlement Class Member data records. JND confirmed that Plaintiffs Jake Miller and Doreen Miller
3 were included in the data list.

4 4. After the data was reviewed for duplicates, JND identified 1,772 unique Settlement
5 Class Members (“Class Notice List”). JND loaded the Class Notice List into a dedicated Settlement
6 database. A unique ID was assigned to each Settlement Class Member for purposes of identification
7 and tracking throughout the Settlement administration process.

8 5. Prior to sending Class Notice, JND updated the Class Notice List mailing address
9 information using data from the National Change of Address (“NCOA”) database.²

10 **SETTLEMENT EMAIL NOTICE**

11 6. Per paragraph 7 of the Amended Preliminary Approval Order, JND commenced sending
12 Class Notice by email (“Email Notice”) on November 2, 2021 to 1,700 Settlement Class Members on
13 the Class Notice List with a valid email address. A representative sample of the Email Notice is attached
14 as Exhibit A.

15 7. Of the 1,700 Settlement Class Members who were sent Email Notice, 1,687, or 99%
16 were deemed delivered and 13 or 1% were deemed undeliverable.

17 **SETTLEMENT POSTCARD NOTICE**

18 8. Per paragraph 7 of the Amended Preliminary Approval Order, JND sent Class Notice
19 by mail (“Postcard Notice”) on November 2, 2021 by USPS first class mail, postage pre-paid, to 72
20 Settlement Class Members on the Class Notice List without a valid email address. In addition, JND
21 sent a Postcard Notice to the 13 Settlement Class Members on the Class Notice List whose Email
22 Notice was returned undeliverable. A representative sample of the Postcard Notice is attached as
23 Exhibit B.
24

25 _____
26 ² The NCOA database is the official United States Postal Service (“USPS”) technology product which
27 makes changes of address information available to mailers to help reduce undeliverable mail pieces
28 before mail enters the mail stream. This product is an effective tool to update address changes when
a person has completed a change of address form with the USPS. The address information is
maintained in the database for 48 months.

1 9. As of January 12, 2022, of the 85 Postcard Notices mailed to Settlement Class
2 Members, 36 were returned to JND as undeliverable. Of the 36 undeliverable Postcard Notices, 3
3 were forwarded to an updated address provided by the USPS and 20 were remailed to a new address
4 obtained through an advanced address search. Of the 23 remailed Postcard Notices, none have been
5 returned undeliverable a second time.

6 10. As of January 12, 2022, of the 85 Settlement Class Members sent Postcard Notice, 72
7 or 85% have been deemed delivered and 13 or 15% have been deemed undeliverable.

8 11. In total, of the 1,772 unique Settlement Class Members in the Class Notice List, 1,759
9 or 99% were issued an Email or Postcard Notice that was deemed delivered and 13 or 1% were issued
10 a Postcard Notice deemed undeliverable.

11 **SETTLEMENT WEBSITE**

12 12. JND established a dedicated, case-specific website for the above-captioned litigation,
13 www.WATenantScreeningSettlement.com, to provide important information about the proposed
14 Settlement. Per paragraph 7 of the Amended Preliminary Approval Order, on November 2, 2021, JND
15 launched the Settlement website. The "Home" page provides a summary of the proposed Settlement,
16 and an overview of legal rights and options. The "FAQ" page provides answers to frequently asked
17 questions, information about how to receive a payment, how to request exclusion or submit an
18 objection, the dates and information for relevant Court proceedings, including the Fairness Hearing,
19 and contact information for JND. The "Important Documents" page provides downloadable PDF
20 copies of important Court documents, including the Agreement, Exclusion Request Form, documents
21 filed in support of the Unopposed Motion for Class Certification and Preliminary Approval of Class
22 Settlement, the Amended Preliminary Approval Order, and Plaintiffs' Unopposed Motion for Award
23 of Attorneys' Fees, Costs, and Service Awards. A copy of the Exclusion Request Form is attached
24 hereto as Exhibit C.
25

26 13. Between November 2, 2021 and January 12, 2022, there were a total of 627 views of
27 the Settlement website pages and documents and 256 unique visitors to the Settlement Website. JND
28

1 will continue to update and maintain the Settlement website throughout the Settlement Administration
2 process.

3 **TOLL-FREE INFORMATION LINE**

4
5 14. Per paragraph 7 of the Amended Preliminary Approval Order, on November 2, 2021,
6 JND established a toll-free telephone number, 1-877-379-5986, for Settlement Class Members to call,
7 obtain information about the Settlement and speak to a representative. The toll-free number is
8 accessible 24 hours a day, 7 days a week.

9 15. As of January 12, 2022, the toll-free number has received 25 incoming calls. JND will
10 continue to maintain the toll-free number throughout the Settlement Administration process.

11 **EXCLUSIONS RECEIVED**

12 16. Email and Postcard Notices informed Settlement Class Members who wanted to
13 exclude themselves from the Settlement that they must do so in writing by mailing an exclusion letter
14 to JND, postmarked on or before January 3, 2022. Per paragraph 9 of the Amended Preliminary
15 Approval Order, exclusion requests must include the Settlement Class Member's full name, address,
16 telephone number, signature, case name, and a statement that they wish to be excluded from the
17 Settlement Class for purposes of the Settlement.

18 17. As of January 12, 2022, JND has received one timely and valid exclusion request. A
19 report of the timely and valid exclusion is attached as Exhibit D.

20 **OBJECTIONS**

21
22 18. Email and Postcard Notices informed Settlement Class Members who wanted to object
23 to the Settlement or the Fee and Expense Application that they must do so by filing a written objection
24 with the Court by January 3, 2022. Per paragraph 12 of the Amended Preliminary Approval Order,
25 the written objection must state: a) the objector's full name, address and current telephone number;
26 b) an explanation of the reason why the objector claims to be a Settlement Class Member; c) the
27 grounds for the objection, along with any documents, evidence, and citations; d) the name and contact
28 information of any and all attorneys representing, advising, or in any way assisting the objector; e)

1 whether the objector intends to appear at the Fairness Hearing on their own behalf or through counsel;
2 and f) the Settlement Class Member's signature.

3 19. As of January 12, 2022, JND has received no Settlement objections.

4 **SETTLEMENT ADMINISTRATION FEES AND COSTS**

5
6 20. JND has performed its responsibilities as set forth in the Settlement Agreement and
7 Amended Preliminary Approval Order. As of December 31, 2021, JND has incurred approximately
8 \$27,400 in Settlement Administration fees and costs. JND estimates it will incur approximately
9 \$10,575 in Settlement Administration fees and costs from January 2022 through Settlement
10 administration completion. However, JND has agreed to cap Settlement Administration fees and costs
11 at \$20,865.

12 21. JND will continue to administer the Settlement through all phases of Settlement
13 Administration, as required by the Settlement Agreement, Amended Preliminary Approval Order, and
14 any future orders of this Court.

15 I declare under the penalty of perjury pursuant to the laws of the State of Washington that the
16 foregoing is true and correct.

17 Executed on January 13, 2022 in Seattle, Washington.

18 

19
20 VANESSA PADELFORD

EXHIBIT A

From: Settlement Administrator
Sent: Tuesday, November 2, 2021
To:
Subject: WA TENANT SCREENING LEGAL NOTICE

A Court authorized this Notice be sent to you; please read below for important information.
If You Applied to Rent From Guenther Management Between June 24, 2017, And June 24, 2020, You Could Be Entitled To Benefits Under A Class Action Settlement.

A proposed settlement of a class action lawsuit relates to Defendant Guenther Management, LLC's alleged illegal action of failing to provide required screening disclosures prior to obtaining information on prospective tenants. The case is known as Jake Miller and Doreen Miller, on behalf of themselves and all others similarly situated v. Guenther Management LLC, 20-2-02604-32 (Spokane Superior Court) ("Action").

What is the lawsuit about?

In the Action, the Plaintiffs claimed, among other things, that Defendant Guenther charged tenant screening fees without first providing required disclosures to prospective tenants, in violation of Washington State law. Defendant Guenther claims it has abided by all state and federal laws, and that the Action is not well grounded in law or fact. As part of the proposed settlement, Defendant Guenther does not admit to any wrongdoing, maintains its compliance with the law, and continues to deny the allegations against it.

Who is included?

You are a Class Member if between June 24, 2017, and June 24, 2020, you applied to rent at any property in the state of Washington, where the rental property on the date of application was owned or managed by Guenther Property Management, LLC.

What does the Settlement provide?

Defendant Guenther have agreed to pay a total settlement amount of \$130,015.00 which will be used to create a Settlement Fund to pay cash awards to Settlement Class Members who do not timely exclude themselves from the Settlement, pay Class Counsel's attorneys' fees and costs, pay an incentive award to the Plaintiffs, and pay the costs and expenses of settlement administration.

What are your options?

Do Nothing: If you do nothing, you will be eligible to receive the benefits allocated to class members and will be bound by the terms of the Settlement Agreement and Final Judgment.

Opt-Out or Object: If you opt-out, you will retain your rights to sue Defendant Guenther separately, however, you will not be eligible to receive any benefits. You must submit a request for exclusion. An example exclusion form is available at the Settlement Website. Requests for exclusion must be **postmarked on or before January 3, 2022**. Detailed instructions are available on the Settlement Website.

You may also object to any part of this Settlement. Details about how to object are available at the Settlement Website. Objections must be filed with or mailed to the Court **on or before January 3, 2022**.

Has the Court approved the Settlement?

No. The Court will hold a Fairness Hearing at **11:00 AM on January 28, 2022**, at the Spokane County Superior Court, 1116 W. Broadway Ave., Spokane, Washington, 99260. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Moreno will listen to people who have asked to speak at the hearing. The Court will also consider whether to approve the requested attorneys' fees, costs, and Service Award. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

How do you get more information?

This notice is only a summary. To obtain a detailed Notice of Class Action Settlement, find answers to common questions about the settlement plus other information, including a copy of the Settlement Agreement, visit www.WATenantScreeningSettlement.com.

www.WATenantScreeningSettlement.com

1-877-379-5986

To unsubscribe, please click on the following link: [unsubscribe](#)

EXHIBIT B

LEGAL NOTICE

**If You Applied to Rent From
Guenther Management
Between June 24, 2017, And
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Entitled To Benefits Under A
Class Action Settlement.**

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WA Tenant Screening Settlement
c/o JND Legal Administration
P.O. Box 91244
Seattle, WA 98111

«Barcode» Name No: <ID>

Postal Service: Please do not mark barcode

«Name»

«Addr1»

«Addr2»

«City», «ST» «Zip»

«Country»

WHAT IS THE LAWSUIT ABOUT?

In the Action, the Plaintiffs claimed, among other things, that Defendant Guenther charged tenant screening fees without first providing required disclosures to prospective tenants, in violation of Washington State law. Defendant Guenther claims it has abided by all state and federal laws, and that the Action is not well grounded in law or fact. As part of the proposed settlement, Defendant Guenther does not admit to any wrongdoing, maintains its compliance with the law, and continues to deny the allegations against it.

WHO IS INCLUDED?

You are a Class Member if between June 24, 2017, and June 24, 2020, you applied to rent at any property in the state of Washington, where the rental property on the date of application was owned or managed by Guenther Property Management, LLC.

WHAT DOES THE SETTLEMENT PROVIDE?

Defendant Guenther have agreed to pay a total settlement amount of \$130,015.00 which will be used to create a Settlement Fund to pay cash awards to Settlement Class Members who do not timely exclude themselves from the Settlement, pay Class Counsel's attorneys' fees and costs, pay an incentive award to the Plaintiffs, and pay the costs and expenses of settlement administration.

WHAT ARE YOUR OPTIONS?

Do Nothing: If you do nothing, you will be eligible to receive the benefits allocated to class members and will be bound by the terms of the Settlement Agreement and Final Judgment.

Opt-Out or Object: If you opt-out, you will retain your rights to sue Defendant Guenther separately, however, you will not be eligible to receive any benefits. You must submit a request for exclusion. An example exclusion form is available at the Settlement Website. Requests for exclusion must be **postmarked on or before January 3, 2022**. Detailed instructions are available on the Settlement Website. You may also object to any part of this Settlement. Details about how to object are available at the Settlement Website. Objections must be filed with or mailed to the Court **on or before January 3, 2022**.

HAS THE COURT APPROVED THE SETTLEMENT?

No. The Court will hold a Fairness Hearing at **11:00 AM on January 28, 2022**, at the Spokane County Superior Court, 1116 W. Broadway Ave., Spokane, Washington, 99260. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Moreno will listen to people who have asked to speak at the hearing. The Court will also consider whether to approve the requested attorneys' fees, costs, and Service Award. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

HOW DO YOU GET MORE INFORMATION?

This notice is only a summary. To obtain a detailed Notice of Class Action Settlement, find answers to common questions about the settlement plus other information, including a copy of the Settlement Agreement, visit www.WATenantScreeningSettlement.com.

EXHIBIT C

WA Tenant Screening Settlement – Exclusion Request Form

ELECTION TO OPT OUT OF CLASS ACTION SETTLEMENT

Must Be Received No Later Than January 3, 2022

Do **NOT** Sign This Form Unless You Want To Exclude Yourself From The Settlement Class.

Do **NOT** Sign This Form If You Want To Receive Cash Payment From This Settlement.

Settlement Class Member Information			
Name			
Street Address 1			
Street Address 2		City	
State	Zip Code	Telephone	

By completing, signing, and returning this form, I wish to opt out of the *Jake and Doreen Miller v. Guenther Management, LLC Settlement*.

Signature: _____ Dated: _____

To exclude yourself from the Settlement Class, this request for exclusion must be
received no later than January 3, 2022, to:

WA Tenant Screening Settlement
c/o JND Legal Administration
P.O. Box 91244
Seattle, WA 98111

EXHIBIT D

Miller v. Guenther Settlement

TIMELY AND VALID EXCLUSIONS

	UNIQUE ID	NAME	CITY/STATE	STATUS	POSTMARK DATE
1.	DFT3X-7A5ME	M. S. P.	Spokane, WA	Valid	11/10/2021

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE**

JAKE MILLER and DOREEN MILLER,)
husband and wife, on behalf of themselves and)
all others similarly situated,)

Case No.: 20-2-02604-32

Plaintiffs,)

GR 17 DECLARATION

vs.)

GUENTHER MANAGEMENT, LLC, a)
Washington limited liability company,)

Defendant.)

I am the person responsible for the filing and serving of the foregoing document, to which this declaration is attached as the last pages pursuant to GR 17(a)(2).

The document to which this GR17 is attached is titled: DECLARATION OF VANESSA PADEFORD REGARDING CLASS NOTICE AND SETTLEMENT ADMINISTRATION. The document was received in our offices, consisting of five (5) pages via Email to tbracken@cameronsutherland.com and contains the electronic signature of the Declarant, Vanessa Padelford.

1 I have examined the signature page sent on January 13, 2022, and have determined that it
2 is valid, complete and legible. Vanessa Padelford's Declaration now consists of 18 pages,
3 including this GR 17 declaration, and including exhibits.

4 I declare upon penalty of perjury under the laws of the State of Washington, that the
5 preceding statements are true and correct.
6

7
8 SIGNED at Spokane, Washington this 14th day of January, 2022.

9
10 

11 _____
12 TERI A. BROWN, Paralegal
13
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1 **CERTIFICATE OF SERVICE**

2 I hereby declare under penalty of perjury under the laws of the state of Washington that on
3 the date stated below I served a copy of this document in the manner indicated:

4 Jeffrey P. Downer
5 Carinne E. Bannan
6 LEE SMART, P.S. INC.
7 1800 One Convention Place
8 701 Pike Street
9 Seattle WA 98101

- First Class U.S. Mail
- E-Mail: jpd@leesmart.com
- ceb@leesmart.com
- kxc@leesmart.com
- Hand Delivery
- Next Day Air

10 DATED this 14th day of January, 2022.

11 

12 _____
13 Teri A. Brown, Paralegal