

FILED
KING COUNTY, WASHINGTON

OCT 30 2014

SUPERIOR COURT CLERK
BY Geylar Greer
DEPUTY

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

STAN SCHIFF, M.D., Ph.D., and class of
similarly situated Washington health care
providers,

Plaintiff,

v.

MAPFRE INS. GRP., d/b/a AMERICAN
COMMERCE INSURANCE COMPANY
and AMERICAN COMMERCE
INSURANCE COMPANY WEST, a/k/a,
COMMERCE WEST INSURANCE
COMPANY, foreign insurance companies,

Defendants.

NO. 14-2-11309-9SEA

**STIPULATED MOTION TO
AMEND PRELIMINARY
APPROVAL ORDER**

-AND-

[PROPOSED]

ORDER

STIPULATION

Plaintiff and Defendants stipulate as follows:

1. The court entered its Order Preliminarily Approving Settlement and Directing Notice to the Class, and Setting Date for Fairness Hearing ("Preliminary Approval Order") on October 27, 2014. The Preliminary Approval Order preliminarily approved the Stipulation of Settlement ("Agreement") entered by the parties and filed with the Court on October 17, 2014,

STIPULATED MOTION TO AMEND PRELIMINARY APPROVAL
ORDER AND [PROPOSED] ORDER - I
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65450.00001

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1 ordered notice to be sent to potential settlement class members, set certain deadlines and made
2 various other provisions.

3 2. Paragraph 15 of the Preliminary Approval Order set a deadline for Class Members
4 who wished to object to the Settlement to do so “no later than thirty (30) days prior to the Final
5 Settlement Hearing.”

6 3. However, the parties in the Agreement agreed that Class Members may have until
7 “not later than 20 days before the date set for the Final Settlement Hearing” to make any
8 objections. *See* Agreement ¶ 61.

9 4. The deadline for objections in the Agreement allows Class Members an additional
10 10 days to make any objections beyond the deadline set in the Preliminary Approval Order, and
11 therefore is more favorable to Class Members and provides additional time for them to exercise
12 their rights to object.

13 5. The parties agree that the deadline for objections in the Preliminary Approval
14 Order should be amended to conform to the agreed-upon deadline for objections in the
15 Agreement, which is more favorable to Class Members. Specifically, the parties agree paragraph
16 15 of the Preliminary Approval Order should be amended at lines 13-15 to state as follows:
17 “...provided, however, that no person shall be heard with respect to, or shall be entitled to
18 contest the foregoing matters by objection unless, no later than ~~thirty (30)~~ twenty (20) days prior
19 to the Final Settlement Hearing, that person has properly filed with the Clerk of the Court, and
20 served...”

21 6. For the foregoing reasons, the parties respectfully request that the Court enter the
22 Amended Preliminary Approval Order submitted herewith, which makes the proposed change to
23 paragraph 15. No other changes have been made to the proposed Amended Preliminary
24 Approval Order.

1 STIPULATED and AGREED this 29th day of October, 2014.

2 BRESKIN JOHNSON & TOWNSEND

RIDDELL WILLIAMS P.S.

3
4 By /s/ Roger Townsend

By /s/ Gavin W. Skok

5 Roger Townsend, WSBA#25525

Gavin W. Skok, WSBA No. 29766

6 David Breskin, WSBA #10607

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8 Attorneys for the Named Plaintiff
9 & the Class

Attorneys for Defendants

1 **ORDER**

2 Based on the foregoing stipulation, it is hereby ordered that:

3 1. Good cause exists to amend Paragraph 15 of the Preliminary Approval Order to
4 conform the deadline for Class Members to submit objections to the settlement to conform to the
5 deadline set forth in the Agreement.

6 2. The Court shall enter the proposed Amended Preliminary Approval Order
7 submitted with this Stipulation.

8 IT IS SO ORDERED.

9 DATED this 30 day of October, 2014.

10 
11 _____
12 Judge Tanya L. Thorp

13 Presented by:

14 BRESKIN JOHNSON & TOWNSEND

15 By /s/ Roger Townsend
16 Roger Townsend, WSBA#25525
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21 Attorneys for the Named Plaintiff & the Class

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