

February 07 2024 4:21 PM

CONSTANCE R. WHITE  
COUNTY CLERK  
NO: 21-2-08744-4

The Honorable Thomas Patrick Quinlan  
Hearing: March 15, 2024 @ 9:00 am

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

JULI ANN BENJAMIN, CHERYL  
RETHAFORD, and LAURA BRADLEY, on  
behalf of themselves and all others similarly  
situated,

Plaintiff,

v.

COLUMBIA STATE BANK, a Washington  
Bank Corporation, d/b/a Columbia Bank,

Defendant.

NO. 21-2-08744-4

DECLARATION OF SOPHIA GOREN  
GOLD IN SUPPORT OF PLAINTIFFS'  
MOTION FOR FINAL APPROVAL AND  
MOTION FOR APPROVAL OF  
ATTORNEYS' FEES, EXPENSES, AND  
SERVICE AWARD

I, SOPHIA GOREN GOLD, declare as follows:

1. I, along with Kim D. Stephens and Cecily C. Jordan of Tousley Brain Stephens PLLC, and David Berger and Tayler Walters of Gibbs Law Group LLP, am Class Counsel of record for Plaintiffs, and the proposed Classes in the above-captioned matters. I submit this Declaration in support of both Plaintiffs' Motion for Final Approval of Class Action Settlement and Plaintiffs' Motion for Approval of Attorneys' Fees and Expenses and Service Award.

2. The parties engaged in arms-length settlement negotiations with the assistance of mediator Lou Peterson. At the end of the mediation, Mr. Peterson made a mediator's proposal that both Parties accepted.

DECLARATION OF SOPHIA GOREN GOLD IN SUPPORT OF  
PLAINTIFFS' MOTION FOR FINAL APPROVAL AND  
MOTION FOR APPROVAL OF ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARD - 1

1           3.       Importantly, the parties did not discuss attorneys' fees and costs, nor any potential  
2 service award, until they first agreed on the material terms of the settlement, including the Class  
3 definitions, form and manner of Notice, class benefits, and scope of the Release.

4           4.       This Settlement is the result of hard-fought litigation and arm's-length  
5 negotiations between attorneys experienced in this type of litigation.

6           5.       Class Counsel negotiated the Settlement with the benefit of many years of prior  
7 experience and a solid understanding of the facts and law of this case. Class Counsel has  
8 extensive experience litigating and settling class actions, and consumer class actions challenging  
9 banking practices in particular. They believe the settlement is fair, reasonable, adequate, and in  
10 the best interest of the Settlement Classes as a whole. This is an excellent settlement in light of  
11 the obstacles to continued litigation and recovery after trial and appeal. The combination of  
12 Columbia State Bank's agreement to pay \$700,000.00 to the Settlement Fund, plus its agreement  
13 not to pursue Uncollected Retry Fees valued at \$359,068.00 from the Settlement Class, makes  
14 this a highly favorable resolution. Plaintiff is confident in the strength of her case but also  
15 recognizes the significant risks involved in continued litigation. Columbia State Bank could have  
16 prevailed on a motion for summary judgment, at trial, or on appeal. In addition, Plaintiff faced  
17 the risk that the Court might not certify the case adversarially as a class action, in which case no  
18 class member would receive any recovery at all.

19           6.       The Settlement, by contrast, will provide a guaranteed recovery for all Settlement  
20 Class Members. The Net Settlement Fund will be distributed *pro rata* to all Settlement Class  
21 Members in proportion to their damages. The Settlement Fund exceeds 61% of the Settlement  
22 Class's best case. This relief is in addition to Columbia State Bank's agreement not to pursue  
23 collection of any Uncollected Retry Fees assessed against Class Members, calculated to be  
24 \$359,068.

25           7.       Third, the Settlement treats all Settlement Class Members fairly and equally. Each  
26 Settlement Class Member is entitled to a settlement payment. The settlement payments will be

1 calculated *pro rata* based on the amount of Retry Fees each Settlement Class Member was  
2 charged.

3 8. In litigating this matter, Class Counsel actually incurred a lodestar, at their normal  
4 rates, of \$228,887.25 and advanced litigation expenses of \$10,554.57. The costs were primarily  
5 to cover expenses related to mediation fees, expert fees, and court filing fees.

6 9. The amount of fees and costs requested are also highly reasonable given the  
7 substantial benefits Class Counsel achieved for the Class, as well as the fact that Class Counsel  
8 took this case on a 100% contingent basis, meaning they bore the risk that they might never be  
9 paid anything if the suit was not successful.

10 10. The requested service award of \$5,000 to be paid from the Settlement Fund is also  
11 highly reasonable. This amount recognizes the efforts of Plaintiff on behalf of the Class, which  
12 included assisting counsel with the investigation and ongoing litigation and producing  
13 documents, answering written discovery, and going through the process of preparing for and  
14 being deposed.

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

17 Signed at Berkeley, California this 6th day of February 2024.

18  
19 By: s/ Sophia Goren Gold  
20 Sophia Goren Gold

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 7, 2024, a copy of the foregoing *DECLARATION OF*  
3 *SOPHIA GOREN GOLD* was served on counsel at the following address by the methods  
4 indicated:

5 6 7 8 9 10 11 Counsel for Defendant KC Hovda, WSBA #51291 Zachary A. Cooper, WSBA #53526 MILLER NASH LLP 605 5 <sup>th</sup> Ave. S., Suite 900 Seattle, Washington 98104 Phone No.: 206.624.8300 Facsimile: 206.340.9599 KC.Hovda@MillerNash.com zachary.cooper@millernash.com	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Fax <input checked="" type="checkbox"/> PCSC E-Service/Email
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12 I declare under penalty of perjury under the laws of the state of Washington and the  
13 United States that the foregoing is true and correct.

14 Executed this 7<sup>TH</sup> day of February, 2024, at Seattle, Washington.

15  
16 s/ Andrea Toll  
Andrea Toll, Legal Assistant