

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 22, 2026

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HEATHER MILLER,

Plaintiff,

v.

DAVISON DESIGN &
DEVELOPMENT, INC.,

Defendant.

No. 2:25-CV-00459-RLP

ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

Before the Court is Plaintiff Heather Miller's Unopposed Motion for Preliminary Approval of Settlement, ECF No. 14. The motion was heard without oral argument. Ms. Miller is represented by Thomas Alvord. Defendant Davison Design & Development, Inc. (Davison) is represented by Asti Gallina and Timothy Filer.

Ms. Miller asks the Court to (1) grant preliminary approval of the Settlement, (2) conditionally certify the proposed Settlement Class, (3) appoint Plaintiff's Counsel as Class Counsel and Ms. Miller as Class Representative, (4)

ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT * 1

1 appointing Class Experts Group, LLC as Settlement Administrator, (5) approve
2 their proposed notice to the class, (6) approve their proposed procedures for
3 disseminating notices, and (7) setting a final approval hearing. Davison does not
4 oppose the motion.

5 The Court has reviewed the Settlement Agreement, as well as the documents
6 submitted and the proceedings and entire file to date in this matter. Based upon
7 preliminary examination, the Court is fully informed and grants the motion.

8 **Accordingly, IT IS ORDERED:**

9 1. Plaintiff Heather Miller's Unopposed Motion for Preliminary
10 Approval of Settlement, **ECF No. 14**, is **GRANTED**.

11 *Preliminary Approval of Proposed Settlement*

12 2. The Settlement Agreement, its terms, and any appended exhibits are
13 preliminarily approved as fair, reasonable, and adequate; they are hereby
14 incorporated as though fully set forth in this Order. *See Lane v. Facebook, Inc.*,
15 696 F.3d 811, 818 (9th Cir. 2012); *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1026
16 (9th Cir. 1998) (noting that when settlement precedes formal class certification,
17 approval of a settlement requires a "higher standard of fairness"). In so finding, the
18 Court finds the Settlement presumptively fair because it was the product of arm's-
19 length bargaining with the benefit of extensive investigation by both parties, and
20 the amount of the Settlement is fair and reasonable.

1 *Class Certification for Settlement Purposes Only*

2 3. Pursuant to Federal Rule of Civil Procedure 23, the Court, for
3 settlement purposes only, conditionally certifies the following Settlement Class:

4 All Washington residents who (1) did not sign up for Defendant's text
5 messages, but (2) Defendant texted, (3) at a Washington-area-code cellular
6 number, (4) after the number was last disconnected and reassigned.

7 Signups and text messages must have occurred between November 15, 2021,
8 to December 10, 2025. The last disconnection date is determined utilizing
9 the Reassigned Number Database or "RND" (the version last updated as of
10 February 16, 2026).

11 4. The Settlement Class satisfies Rule 23(a)(1) because the Class
12 appears to be so numerous that joinder of all members is impracticable.

13 5. The Settlement Class satisfies Rule 23(a)(2) because there appear to
14 be questions of law or fact common to the Class.

15 6. The Settlement Class satisfies Rule 23(a)(3) because the claims of Ms.
16 Miller appear to be typical of the claims being resolved through the proposed
17 Settlement.

18 7. The Settlement Class satisfies Rule 23(a)(4) because Ms. Miller
19 appears to be capable of fairly and adequately protecting the interests of the above-
20 described Class in connection with the proposed Settlement and because counsel
representing the Class is qualified, competent, and capable of prosecuting this
action on behalf of the Class.

1 8. The Settlement Class satisfies Rule 23(b)(3) because, for purposes of
2 Settlement approval and administration, common questions of law and fact appear
3 to predominate over questions affecting only individual Class Members and
4 because the settlement with the above-described Class appears to be superior to
5 other available methods for the fair and efficient resolution of the claims of the
6 Class. The Class appears to be sufficiently cohesive to warrant settlement by
7 representation.

8 *Class Representative*

9 9. For settlement purposes only, the Court hereby designates Heather
10 Miller as the class representative (“Class Representative”). Pursuant to Rule 23, the
11 Court finds she has and will continue to fairly and adequately protect the interests
12 of the Settlement Class.

13 *Class Counsel*

14 10. For settlement purposes only, the Court designates Thomas Alvord of
15 the HQ Firm, P.C. as Class Counsel for purposes of settlement. For purposes of
16 these settlement proceedings, the Court finds that Class Counsel is competent and
17 capable of exercising their responsibilities.

18 *Settlement Administrator*

1 11. The Court appoints Class Experts Group, LLC as the Settlement
2 Administrator that shall fulfill the settlement administration functions, duties, and
3 responsibilities as set forth in the Settlement Agreement.

4 *Final Approval Hearing*

5 12. A Final Approval Hearing is SET as indicated in the Summary of
6 Deadlines below. At the Final Approval Hearing, the Court will determine whether
7 the Agreement is fair, reasonable, and adequate, and to give final approval. The
8 Court may reset the Final Approval Hearing at any time without notice.

9 *Notice*

10 13. The Parties have prepared the Long Form Notice, Short Form Notice,
11 and SMS Notice, which are attached to the Settlement Agreement as Exhibits A-1,
12 A-2, and A-3. ECF No. 15-1 at 12-28. The Court preliminarily finds that the notice
13 provided to Potential Settlement Class Members (a) is the best practicable notice;
14 (b) is reasonably calculated, under the circumstances, to apprise Potential
15 Settlement Class Members of the pendency of the Action and of their right to
16 object or to exclude themselves from the Settlement; and (c) is reasonable and
17 constitutes due, adequate, and sufficient notice to all Potential Settlement Class
18 Members entitled to receive notice. The Court finds that the notice plan is
19 reasonable; that it constitutes due, adequate, and sufficient notice to all persons
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1 entitled to receive notice; and that it meets the requirements of due process, Rule
2 23, and any other applicable laws.

3 14. The Court has carefully reviewed and hereby approves the Notice as
4 to form and content and directs that it be sent to Potential Settlement Class
5 Members without material alteration unless otherwise modified by agreement of
6 the Parties and approved by the Court. The Court directs that Notice be sent to the
7 Settlement Class in the manner outlined in the Settlement Agreement.

8 *Exclusion from Settlement Class*

9 15. Each Class Member who wishes to exclude himself or herself from
10 the Settlement Class and follows the procedures set forth in paragraph 5.1 of the
11 Settlement Agreement shall be excluded. Any class member may exclude himself
12 or herself from the Settlement by mailing a written and signed request for
13 exclusion to Class Experts Group, LLC as the Settlement Administrator. The
14 process to opt out is set forth in the Agreement and in the Notice. Potential
15 Settlement Class Members who opt out shall have no rights under the Settlement,
16 shall not share in any of the benefits of the Settlement, and shall not be bound by
17 the Settlement or by any Final Approval Order and judgment approving the
18 Settlement.

19 16. All Settlement Class Members who do not submit a timely, written
20 request for exclusion in the manner set forth in the Notice and Agreement shall be

1 bound by any Final Approval Order and judgment entered, even if such Settlement
2 Class Members never received actual notice of this Action or the Settlement. If
3 Final Approval of the Settlement is granted, they shall be barred, now and in the
4 future, from asserting any of the Released Claims, as defined in the Settlement
5 Agreement, against any Released Parties as defined in the Settlement Agreement.

6 *Objections and Appearances*

7 17. Class Members who wish to object to the Settlement must file with
8 the Court and submit to Class Counsel and Defendant's counsel a written statement
9 objecting to the settlement as described in paragraph 5.2 of the Settlement
10 Agreement. Such written statement must be electronically filed or postmarked or
11 delivered to Class Counsel and Defendant's counsel no later than the Objection
12 Deadline set forth below in the Summary of Deadlines. The notice shall provide
13 instructions regarding how to make objections. All untimely objections or
14 objections that do not conform with the Settlement Agreement shall be barred.

15 18. Papers responding to any objections to the Settlement shall be filed
16 and served no later than the deadline set forth below in the Summary of Deadlines.

17 19. Any objecting Class Member who wishes to address the Court at the
18 Final Approval Hearing must indicate his or her intent to do so in writing to Class
19 Counsel at the same time that the Class Member submits the objection. Class
20 Counsel will inform the Court and Defendant's counsel accordingly.

Papers for Fees and Expenses

20. No later than the dates set forth below in the Summary of Deadlines, Class Counsel shall file motions for final approval of the Settlement and any request for attorneys' fees and costs. The papers in support of final approval, including the request for attorneys' fees and costs, shall be made available on the settlement website after filing.

Stay of Proceedings Pending Final Approval of the Settlement

21. All proceedings, dates, and deadlines currently before the Court are **STRICKEN** pending final approval of the settlement, except as may be necessary to implement the settlement or comply with the terms of the Agreement.

SUMMARY OF DEADLINES

Deadline for Defendant to Provide Class List to Settlement Administrator	June 29, 2026
Notice Date	July 15, 2026
Motion for Attorneys' Fees and Costs Due	August 29, 2026
Deadline to add parties, amend pleadings, and file for class certification	September 13, 2026
Objection Deadline	September 13, 2026
Deadline to Submit Claims	October 13, 2026
Motion for Final Approval Due	November 3, 2026

1	Deadline for filing a response to objections.	November 10, 2026
2	Final Approval Hearing	November 17, 2026 at 11:00 a.m. in Spokane Courtroom 901
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5 **IT IS SO ORDERED.** The Court Clerk is directed to enter this Order and provide
6 copies to counsel.

7 DATED June 22, 2026.

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10 REBECCA L. PENNELL
11 UNITED STATES DISTRICT JUDGE
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