

COPY  
ORIGINAL FILED

SEP 12 2023

SPOKANE COUNTY CLERK

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

SUZANNE HAWK,

Plaintiff,

vs.

DOG SCIENCES, LLC ET. AL.,

Defendants.

Case No. 23-2-00428-32

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR CLASS  
CERTIFICATION AND GRANTING IN  
PART AND DENYING IN PART  
DEFENDANTS' MOTION TO STRIKE**

This matter came before the Court on Plaintiff's Motion for Class Certification and Defendants' Motion to Strike. The Court considered the following relevant pleadings:

1. Plaintiff's Motion for Class Certification;
2. Plaintiff's Memorandum in Support of Motion for Class Certification;
3. Declaration of Suzanne Hawk in Support of Motion for Class Certification;
4. Declaration of Emily Clark;
5. Declaration of Matthew Crotty in Support of Motion for Class Certification;
6. Declaration of Casey Bruner in Support of Motion for Class Certification;

ORDER GRANTING PLAINTIFF'S MOTION  
FOR CLASS CERTIFICATION AND  
GRANTING IN PART AND DENYING IN  
PART DEFENDANTS' MOTION TO  
STRIKE - 1

- 1 7. Defendants' Response in Opposition to Motion for Class Certification;
- 2 8. Defendants' Motion to Strike;
- 3 9. Declaration of David Bingaman;
- 4 10. Plaintiff's Reply Memorandum in Support of Motion for Class Certification;
- 5 11. Declaration of Emily Clark dated August 6, 2023;
- 6 12. Declaration of Suzanne Hawk dated August 6, 2023;

7 **I. FINDINGS**

8 The court finds:

- 9 1. Defendants' Motion to Strike is GRANTED IN PART and DENIED IN PART. The  
10 Court strikes Paragraph 14 of the first Declaration of Emily Clark, dated June 21,  
11 2023. That paragraph <sup>contains hearsay.</sup> ~~is not relevant to the issues presently before the court on the~~ <sup>HDC</sup>  
12 ~~instant motion.~~ The Court denies the remainder of Defendants' Motion to Strike and  
13 will give the testimony the weight it is due.
- 14 2. Plaintiff's Motion for Class certification is GRANTED. Pursuant to Court Rule 23(a):
  - 15 a. "[T]he class is so numerous that joinder of all members is impracticable." CR  
16 23(a)(1). The Plaintiffs have identified <sup>potentially</sup> ~~at least~~ <sup>HDC</sup> 46 members of the Class.  
17 *Miller v. Farmer Bros. Co.*, 115 Wn. App. 815, 821 (2003). While Defendants  
18 dispute all of those members are properly within that class for substantive  
19 reasons, there are a sufficient number of them to satisfy the numerosity  
20 requirement.
  - 21 b. There are "questions of law or fact common to the Class," CR 23(a)(2),  
22 including whether the members of the class were properly classified as  
23  
24  
25

1 independent contractors or whether they should have been classified as  
2 employees, thus making them eligible for Washington's minimum wage laws,  
3 overtime pay, and other statutory protections for Washington employees.

4 c. The claims of the Plaintiffs "are typical of the claims or defenses of the class."

5 CR 23(a)(3). In this action, Plaintiff's claims, specifically her claim that she  
6 was misclassified as an independent contractor are typical to the claims of the  
7 proposed class members.

8 d. "[T]he representative parties will fairly and adequately protect the interests of

9 the class." CR 23(a)(4). The Court does not find that the Plaintiff / proposed

10 class representative has any conflicts of interest that would interfere with her

11 service as a class representative. Further, the Court finds Plaintiffs' counsel

12 have experience in prosecuting complex class actions such as this one.

13 Plaintiffs' counsel have the experience, skill, and resources to vigorously

14 prosecute this type of complex employment class action lawsuit.

15  
16  
17 3. Further, pursuant to Court Rule 23(b):

18 a. The Court finds "questions of law or fact common to the members of the class

19 predominate over any questions affecting only individual members," CR

20 23(b)(3), because the vast majority of legal and factual questions in this action

21 are common to all Class Members and there are few, if any, individualized

22 issues.

23 b. In this case, a "class action is superior to other available methods for fair and

24 efficient adjudication of the controversy," CR 23(b)(3), as a class action will  
25

1 be the most fair and efficient way to resolve the claims of approximately 40+  
2 potential claims of misclassification, failure to pay minimum wage, and  
3 failure to pay overtime.

4 NOW, THEREFORE, based on the above findings, and incorporating by reference the  
5 Court's oral rulings made on August 11, 2023, IT IS HEREBY ORDERED:  
6

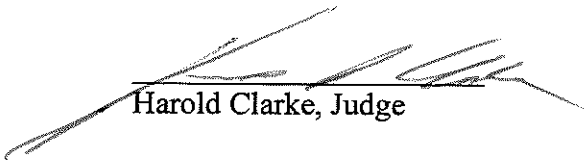
- 7 1. Plaintiffs' Motion for Class Certification is granted, however nothing herein shall  
8 prevent the filing of a future motion to decertify the class. HRC
- 9 2. Pursuant to Washington Civil Rule 23(a) and (b)(3), the proposed Class is  
10 certified with respect to the First Claim for Relief (Violations of RCW 49.46.090 – Failure to  
11 Pay Wages Owed) and the Second Claim for Relief (Violation of RCW 49.52.050 – Willful  
12 Refusal to Pay Wages) in the Second Amended Complaint, and is defined as follows:

13 All persons who have worked as dog trainers or behaviorists which were classified  
14 as Independent Contractors for Defendant Dog Sciences, LLC in Washington at  
15 any time between January 31, 2020 and the date of the final disposition of this  
16 action.

17 3. Plaintiff Suzanne Hawk is appointed as the Class Representative.

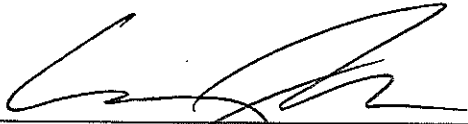
18 4. Matthew Crotty and Casey Bruner of Riverside Law Group, PLLC are  
19 appointed Class Counsel. HRC

20 DONE & ORDERED this 11<sup>th</sup> day of ~~August~~ <sup>September</sup>, 2023

21   
Harold Clarke, Judge

22  
23  
24  
25  
ORDER GRANTING PLAINTIFF'S MOTION  
FOR CLASS CERTIFICATION AND  
GRANTING IN PART AND DENYING IN  
PART DEFENDANTS' MOTION TO  
STRIKE - 4

1 Presented by:

2 

3 MATTHEW Z. CROTTY, WSBA #39284  
4 CASEY M. BRUNER, WSBA #50168  
5 Riverside Law Group, PLLC  
6 905 West Riverside, Suite 208  
7 Spokane, WA 99201

8 Approved as to form:

9  
10 \_\_\_\_\_  
11 DAVID BINGAMAN, WSBA #40586  
12 **NORTHWEST CORPORATE COUNSEL**  
13 PO Box 141997  
14 Spokane Valley, WA 99214  
15 509-710-1914  
16 David@NWCorporateCounsel.com  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORDER GRANTING PLAINTIFF'S MOTION  
FOR CLASS CERTIFICATION AND  
GRANTING IN PART AND DENYING IN  
PART DEFENDANTS' MOTION TO  
STRIKE - 5