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THE HONORABLE HAYDEE VARGAS
Department 12
Noted for Consideration: February 23, 2026
Without Oral Argument

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

CHELSEA RUTTER and MAGDALENA CHAVEZ,
individually and behalf of all others similarly
situated,

Plaintiffs,

v.

BRIGHT HORIZONS FAMILY SOLUTIONS, INC.
d/b/a BRIGHT HORIZONS CHILDREN'S
CENTERS, INC.,

Defendant.

NO. 22-2-19810-9 SEA

**ORDER GRANTING PLAINTIFFS'
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

THIS MATTER came before the Court on Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement. The Settlement Agreement has been filed with the Court (Dkt. 73) and the definitions and terms set forth in the Settlement Agreement are incorporated by reference. The Court reviewed the papers filed in connection with the motion, including the Declaration of Toby J. Marshall, the declaration of Valerie L. Collins, the proposed Settlement Agreement entered into by Plaintiffs Chelsea Rutter and Magdalena Chavez ("Plaintiffs" or "Class

1 Representatives”) and Defendant Bright Horizons Children’s Centers LLC, and the proposed
2 settlement notice attached thereto.

3 The Court GRANTS Plaintiffs’ motion and conditionally approves the parties’ proposed
4 classwide settlement. The Court further ORDERS as follows:

5 1. Preliminary Approval of Proposed Settlement. The Settlement, as memorialized
6 in the Settlement Agreement is preliminarily approved as fair, reasonable, and adequate. The
7 Court finds that (a) the Settlement resulted from extensive arm’s length negotiations
8 conducted by experienced class action litigators after a full-day mediation with an experienced
9 and neutral mediator; (b) the Settlement amount appears reasonable and adequate in light of
10 the costs, delays, and risks inherent in continued litigation; and (c) the Settlement is sufficient
11 to warrant notice thereof to the Settlement Class Members and to schedule a final approval
12 hearing.

13 2. Conditional certification of Settlement Class. For settlement purposes only, the
14 following Settlement Class is certified pursuant to Civil Rule 23, pending final approval of the
15 Settlement:

16 All teachers who are or were employed by Bright Horizons at its childcare centers
17 in Washington State at any time from January 1, 2020, through the date of
18 preliminary approval.

- 19 a. Numerosity is satisfied because there are approximately 3,287 class
20 members, making joinder impracticable. CR 23(a)(1); *Miller v. Farmer Bros.*
21 *Co.*, 115 Wn. App. 815, 821 (2003) (numerosity is generally satisfied when a
22 class has at least 40 members).
- 23 b. Commonality is satisfied because the central overarching questions common
24 to all Class Members is whether (1) the Placement Fee Provision qualifies as a
25 “noncompetition covenant” under RCW 49.62.010(4), and (2) Bright
26 Horizons’ use of the Placement Fee Provision constitutes an unfair or
27 deceptive practice under the CPA. CR 23(a)(2); *Smith v. Behr Process Corp.*,

1 113 Wn. App. 306, 320 (2002) (a single important issue can satisfy
2 commonality, and “there is a low threshold to satisfy this test”).

- 3 c. Typicality is satisfied because Plaintiffs’ claims arise from the same course of
4 conduct—Bright Horizons’ allegedly unlawful use of the Placement Fee
5 Provision—and are based on the same legal theory as other Settlement Class
6 Members’ claims. *See Pellino v. Brink’s*, 164 Wn. App. 668, 684 (2011)
7 (typicality satisfied where plaintiffs’ claims “arise[] from the same event or
8 practice or course of conduct that gives rise to the claims of other class
9 members” and are “based on the same legal theory” (quoting *Behr*, 113 Wn.
10 App. at 320)).
- 11 d. Adequacy is satisfied because Plaintiffs have prosecuted this case vigorously
12 through qualified counsel and have no interests antagonistic to other class
13 members. *See Hansen v. Ticket Track*, 213 F.R.D. 412, 415 (W.D. Wash. 2003).
- 14 e. The predominance requirement of Rule 23(b)(3) is satisfied because “there is
15 a common nucleus of operative facts in each class member’s claim.” *Chavez*
16 *v. Our Lady of Lourdes Hosp. at Pasco*, 190 Wn.2d 507, 516 (2018). Whether
17 Defendants’ Placement Fee Provision is a “noncompetition covenant” under
18 RCW 49.62.010(4), whether the use of the Placement Fee Provision is a
19 restraint that violates Washington’s noncompetition law, and whether its use
20 is also unlawful or deceptive in violation of the CPA are “the dominant,
21 central, or overriding issue[s] in the litigation.” *Id.* at 516.
- 22 f. The superiority requirement of Rule 23(b)(3) is satisfied because there is no
23 similar litigating pending against Defendants and Class Members are or were
24 Washington employees. The manageability of litigation is not relevant to
25 certification for settlement purposes. *See Amchem Prod., Inc. v. Windsor*, 521
26 U.S. 591, 620 (1997).
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1 3. Appointments. Terrell Marshall Law Group PLLC and Towards Justice are
2 appointed as Settlement Class Counsel. Plaintiffs Chelsea Rutter and Magdalena Chavez are
3 appointed as the Settlement Class Representatives. RG2 Claims Administration LLC is appointed
4 as the Settlement Administrator.

5 4. Final Approval Hearing. A Final Approval Hearing shall be held before this Court
6 on July 24, 2026 at 9:00 a.m. to determine whether

7 a. the Settlement is fair, reasonable, and adequate and should be finally
8 approved;

9 b. the application for Settlement Class Counsel's attorneys' fees and costs and
10 the Settlement Class Representative Awards should be approved.

11 5. The Final Approval Hearing will take place in Courtroom C-203 of the King County
12 Superior Court, located at 516 Third Avenue, Seattle, WA 98104.

13 6. The Court directs Class Counsel to file a motion for attorneys' fees, costs, and the
14 Settlement Representative Awards no later than 45 days after the date the Settlement Notice is
15 mailed and emailed.

16 7. The Court directs Class Counsel to file a motion for final approval of the
17 settlement no later than 30 days before the Final Approval Hearing Date.

18 8. Papers in support of final approval of the Settlement, including any responses to
19 Settlement Class Member objections to the settlement or the motion for attorneys' fees, costs
20 and Settlement Class Representative Service Awards, shall be filed with the Court at least 30
21 days before the Final Approval Hearing Date. The Final Approval Hearing may be postponed,
22 adjourned, or continued by order of the Court without further notice to the Settlement Class.
23 After the Final Approval Hearing, the Court may enter a Final Approval Order in accordance
24 with the Settlement Agreement that will adjudicate the rights of the Settlement Class
25 Members.

26 9. Notice. As provided in the Settlement Agreement, within 14 days of the date of
27 this Order, Defendant shall provide the Settlement Class Data to Settlement Class Counsel. The

1 Settlement Class Data shall consist of each Settlement Class Member's name, last-known
2 mailing address, email address (to the extent known), and Social Security Number. The
3 Settlement Administrator shall update addresses using the National Change of Address
4 database and, to the extent this process yields an updated address, shall treat the updated
5 address as the last known address for purposes of the Settlement Agreement. Within 14 days of
6 receiving the Settlement Class Data, the Settlement Administrator shall cause the Notice to be
7 mailed via first-class U.S. Postal Service mail to all Settlement Class Members at their last-
8 known address and emailed to Settlement Class Members for whom the Class Data contains an
9 email address. For any Postcard Notice returned, the Settlement Administrator will conduct a
10 standard skip trace to attempt to locate the Settlement Class Member.

11 10. Within 14 days after receiving the Settlement Class Data, the Settlement
12 Administrator shall establish and maintain the Settlement Website, which will display the
13 operative Amended Complaint, Postcard Notice, Settlement Class Notice, the Settlement
14 Agreement, opt-out and objection instructions, and this Order. Within one business day of
15 Settlement Class Counsel filing a motion for an award of attorneys' fees, costs, and Settlement
16 Class Representative Service Awards, that motion will also be displayed on the Settlement
17 Website.

18 11. Findings Concerning Notice. The Court finds that the Notice and the manner of
19 its dissemination fully satisfies the requirements of Civil Rule 23 and due process, constitutes
20 the best practicable notice under the circumstances, and is reasonably calculated, under all the
21 circumstances, to apprise Settlement Class Members of the proposed Settlement of this Action
22 and their rights with respect thereto.

23 12. Requests for Exclusion. Settlement Class Members can exclude themselves from
24 the settlement by mailing or emailing a written request to be excluded from the settlement to
25 the Settlement Administrator no later than 60 days following the mailing and emailing of the
26 Notice. The request must include the information specified in the Notice attached as Exhibit A
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1 to the Settlement Agreement. Any Settlement Class Member who fails to submit a timely
2 request for exclusion shall be deemed a Participating Settlement Class Member.

3 13. A class member who submits a valid and timely Opt-Out request shall be
4 excluded from the Settlement Class for all purposes. The exclusion request must be signed by
5 the Class Member and include the Class Member's name, current address, telephone number,
6 and statement asking to be excluded, as outlined in the Notice attached as Exhibit A to the
7 Settlement Agreement. No later than 14 days after the deadline to opt out, the Settlement
8 Administrator shall prepare a declaration listing all of the valid Opt-Outs received and shall
9 provide the declaration and list to Settlement Class Counsel and Defendant's counsel, and
10 Settlement Class Counsel will then report the names appearing on this list to the Court before
11 the Final Approval Hearing.

12 14. Objections and Appearances. Any Participating Settlement Class Member may
13 object to the Settlement by filing a written objection as directed in the Settlement Agreement
14 no later than 60 days following the mailing and emailing of the Notice. The objection must be
15 signed by the Class Member and include the Class Member's name, address, telephone
16 number, the name of the case, the reasons why the Class Member thinks the Court should not
17 approve the settlement, any supporting documentation they wish the Court to consider, and a
18 request to appear at the Final Approval Hearing if they or their attorney wish to appear, as
19 specified in the Notice attached as Exhibit A to the Settlement Agreement. The Objection must
20 be filed with the Court and served on counsel for the parties.

21 15. Any Settlement Class Member who timely files a written objection may also
22 appear at the Final Approval hearing as directed in the Settlement Agreement and Notice
23 attached as Exhibit A, though appearance is not required.

24 16. Unless otherwise ordered by the Court, any Settlement Class Member who does
25 not make their objection in the manner provided for in this Order shall be deemed to have
26 waived the objection and shall be foreclosed from making any objection (by appeal or
27 otherwise) to the proposed Settlement.

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