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

4 MARSHALL HORWITZ, DAVID LAYTON,
5 RICHARD JOHNSON, and a class of
6 similarly situated individuals,

7 Plaintiffs,

8 vs.

9 UNIVERSITY OF WASHINGTON, an
10 agency of the STATE OF WASHINGTON,

11 Defendant.

NO. 22-2-15374-1 SEA

**ORDER DENYING PLAINTIFFS’
MOTION FOR CLASS
CERTIFICATION**

12 THIS MATTER came on regularly for hearing on Plaintiffs’ motion for class certification. This
13 Court has considered the pleadings and records on file, the arguments of counsel, and briefing and
14 evidence filed by the parties in connection with this motion, including:

- 15 1. Plaintiffs’ Motion for Class Certification;
- 16 2. Plaintiffs’ Proposed Order
- 17 3. Declaration of Alexander F. Strong in support of Motion for Class Certification;
- 18 4. Declaration of Stephen K. Strong in support of Motion for Class Certification;
- 19 5. Declaration of Erika Haack in support of Motion for Class Certification;
- 20 6. Defendant’s Opposition;
- 21 7. Declaration of Daniel V. Ward in support of Defendant’s Opposition to Plaintiffs’ Motion for
22 Class Certification;
- 23 8. Declaration of Rachel Gatlin in support of Defendant’s Opposition to Plaintiffs’ Motion for
24 Class Certification;
- 25 9. Plaintiffs’ Reply in support of Class Certification;
- 26

**ORDER DENYING PLAINTIFFS’ MOTION FOR CLASS
CERTIFICATION – 1**

Cause No.: 22-2-15374-1 SEA

*LAW, LYMAN, DANIEL,
KAMERRER & BOGDANOVICH, P.S.*

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1 10. Plaintiffs' Revised Proposed Order to Certify Class

2 11. Defendant's Motion to File a Sur-Reply to Plaintiffs' Motion to Certify a Mandatory Class;

3 12. Plaintiffs' Opposition to Defendant's Motion to Permit a Sur-Reply regarding Class
4 Certification;

5 13. Declaration of Alexander F. Strong in support of Opposition to Defendant's Motion to Permit
6 a Sur-Reply regarding Class Certification;

7
8 And the Court otherwise deeming itself advised in the premises therein, now, therefore it is hereby:

9 ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion for Class Certification is
10 DENIED without prejudice.

11
12 DATED this ____ day of November, 2023.

13
14
15 _____
The Honorable Brian McDonald

16 Presented by:

17 LAW, LYMAN, DANIEL, KAMERRER
18 & BOGDANOVICH, P.S.

19 /s/ John E. Justice

20 _____
John E. Justice, WSBA No. 23042
Attorney for Defendant University of Washington
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21
22
23 ROPES & GRAY LLP

24 /s/ Amy Jane Longo

25 _____
Amy Jane Longo (Admitted *Pro Hac Vice*)
26 10250 Constellation Blvd.

**ORDER DENYING PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION – 2**

Cause No.: 22-2-15374-1 SEA

LAW, LYMAN, DANIEL,
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3 ROPES & GRAY LLP

4 /s/ Daniel V. Ward

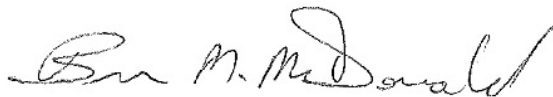
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King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-2-15374-1
Case Title: HORWITZ ET AL VS UNIVERSITY OF WASHINGTON
Document Title: ORDER

Signed By: Brian McDonald
Date: November 09, 2023



Judge: Brian McDonald

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: EB2FC2BCB5DEBEA152D5B8D72B65DAFD8D8A64C1
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O=KCDJA, CN="Brian McDonald:
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