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The Honorable John R. Hickman

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN DOLAN and a class of similarly situated individuals,)

NO. 06-2-04611-6

Plaintiffs,)

v.)

ORDER ON OPT-OUTS

KING COUNTY, a political subdivision of the State of Washington,)

Defendant.)

MATTER BEFORE THE COURT

In the briefing leading up to the Court's March 2, 2012 hearing in this matter, the parties addressed the question of whether class members would be given an opportunity to opt out of enrollment in the Public Employees' Retirement System (PERS). The Court decided that no opt outs would be allowed. This Order memorializes that decision.

ORDER

Dolan and the plaintiff class seek enrollment in PERS. They are not seeking money damages, having relinquished that relief before trial. The Court certified the class under CR 23(b)(2) and 23(b)(1)(A), which are mandatory no-opt-out injunction class actions binding on all class members. *Nelson v. Appleway Chevrolet, Inc.*, 160 Wn.2d 173, 189 (2007). PERS is a mandatory pension system under which an employer (King County here) must enroll all

1 eligible employees (RCW 41.40.111). Employees consent to PERS payroll deductions as a
2 condition of their employment in PERS-eligible positions (RCW 41.40.042).

3 Accordingly, the Court determines that the plaintiff class members may not opt out of
4 the relief phase of this case, nor may they opt out of mandatory enrollment in PERS.

5 DATED this 30 day of April, 2012.

6
7 **JOHN R. HICKMAN**

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JOHN R. HICKMAN
11 SUPERIOR COURT JUDGE

12 Presented by:

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