

The Honorable Jerome J. Leveque

FILED
DEC 15 2006
THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON

COUNTY OF SPOKANE

LORI E. DAVIS-BAILEY, a single woman, and LORRAINE and DOUG BACON, husband and wife, individually and on behalf of themselves and all persons similarly situated,

Plaintiffs,

vs.

AMERICAN MEDICAL RESPONSE NORTHWEST, INC., an Oregon corporation; JERRY LUECK and JANE DOE LUECK, husband and wife, and the marital community composed thereof,

Defendants.

Cause No. 05-2-05871-9

PROPOSED

AMENDED ORDER GRANTING CERTIFICATION OF CLASS ACTION

This matter came before the Court on Plaintiffs' Lori E. Davis Bailey and Lorraine and Doug Bacon's Motion for an Order Certifying their action as a class action under CR 23, on behalf of the class of:

ORIGINAL

1 All City residents who have utilized AMR ambulance services and, in
2 violation of AMR's 1998 and 2003 contracts with the City of Spokane,
3 have been improperly charged and paid (or payments were made by
4 third-party payors on their behalf) for ALS or BLS services purportedly
5 provided by AMR.

6 Further, since there are two contracts at issue in this case, this action is brought
7 on behalf of two sub-classes who fall within the class definition:

8 **Sub-Class "A"** – Those persons who were City residents between
9 October 5, 1998 and October 31, 2003, and were provided AMR
10 ambulance services for transit to a treatment facility and were charged by
11 (and paid) AMR for ALS or BLS services that were actually provided by
12 SFD personnel, or were charged by AMR for ambulance transport, at
13 ALS rates, when an SFD paramedic accompanied the patient to the care
14 facility. Plaintiff Lori Bailey is a member of and a representative of
15 Sub-Class "A."

16 **Sub-Class "B"** – Those persons who were and/or are City
17 residents since August 19, 2003, who were or are provided AMR
18 ambulance services for transit to a treatment facility and were or are
19 charged ALS rates for services allegedly provided by AMR, when, in
20 fact, an SFD paramedic accompanied or accompanies such City resident
21 to the treatment facility, and AMR can therefore only charge for such
22 services at BLS rates. Plaintiffs Doug and Lorraine Bacon are members
23 of and representatives of Sub-Class "B."

24 The Court considered the pleadings filed in this action and the following
25 evidence:

- 26 1. The Declaration of Plaintiff Lori E. Davis Bailey.
- 27 2. The Declaration of Plaintiff Lorraine Bacon.
- 28 3. Plaintiffs' Memorandum in Support of Memorandum of Motion to
29 Certify, and the argument therein.

1 Based on the argument of counsel and evidence presented, **THE COURT**

2 **FINDS:**

- 3
- 4 1. The class is so large that joinder is impractical.
- 5 2. There are common issues of law and of fact.
- 6 3. The class representatives' claims are typical of the entire class.
- 7 4. The representative parties will fairly and adequately protect the interests
- 8 of the class.
- 9
- 10 5. There is a predominance of common issues.
- 11 6. A class action is clearly superior to separate suits.

12 Based on the above findings, **IT IS ORDERED** that:

- 13
- 14 1. Plaintiffs' Motion for Class Certification is **GRANTED**.
- 15 2. The Class shall be certified as the class of:

16 All City residents who have utilized AMR ambulance services and, in

17 violation of AMR's 1998 and 2003 contracts with the City of Spokane,

18 have been improperly charged and paid (or payments were made by

19 third-party payors on their behalf) for ALS or BLS services purportedly

provided by AMR.

- 20 3. Since there are two contracts at issue, the Class shall be divided into two
- 21 sub-classes, as defined below:

22 **Sub-Class "A"** – Those persons who were City residents between

23 October 5, 1998 and October 31, 2003, and were provided AMR

24 ambulance services for transit to a treatment facility and were charged by

25 (and paid) AMR for ALS or BLS services that were actually provided by

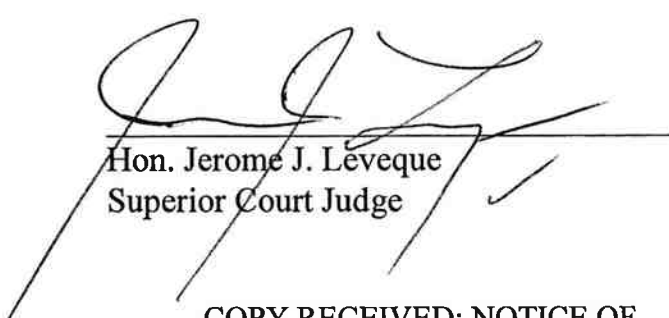
SFD personnel, or were charged by AMR for ambulance transport, at

1 ALS rates, when an SFD paramedic accompanied the patient to the care
2 facility. Plaintiff Lori Bailey is a member of and a representative of
3 Sub-Class "A."

4 **Sub-Class "B"** – Those persons who were and/or are City
5 residents since August 19, 2003, who were or are provided AMR
6 ambulance services for transit to a treatment facility and were or are
7 charged ALS rates for services allegedly provided by AMR, when, in
8 fact, an SFD paramedic accompanied or accompanies such City resident
9 to the treatment facility, and AMR can therefore only charge for such
10 services at BLS rates. Plaintiffs Doug and Lorraine Bacon are members
11 of and representatives of Sub-Class "B."

12 4. The action is properly maintainable, and shall be maintained as a class
13 action under CR 23.

14 **DONE IN OPEN COURT** this 13 day of ^{Dec}~~August~~, 2006.

15 
16 Hon. Jerome J. Leveque
17 Superior Court Judge

18 PRESENTED BY:

19 COPY RECEIVED; NOTICE OF
20 PRESENTMENT WAIVED:

21 REED & GIESA, P.S.

22 SHORT, CRESSMAN &
23 BURGESS, PLLC

24 By 

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