

The Honorable Jerome J. Leveque

THOMAS R. FALLOQUIST
SPOKANE COUNTY CLERK
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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,

Cause No. 05-2-05871-9

Plaintiffs,

~~PROPOSED~~

vs.

ORDER GRANTING
CERTIFICATION OF CLASS ACTION

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

Defendants.

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:

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
provided by AMR.

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

7
8 **Subclass A** – Those persons who were City residents between October 5,
9 1998 and October 31, 2003, and were provided AMR ambulance services
10 for transit to a treatment facility and were charged by AMR and paid (or
11 payments were made by third-party payors on their behalf) for ALS or
BLS services that were actually provided by SFD personnel. Plaintiff
Lori E. Davis Bailey is a member of and a representative of Subclass A.

12 **Subclass B** – Those persons who were and or are City residents since
13 August 19, 2003, who were or are provided AMR ambulance services for
14 transit to a treatment facility and were or are charged and paid (or
15 payments were made by third-party payors on their behalf) ALS rates for
16 services allegedly provided by AMR when, in fact, an SFD paramedic
17 accompanied or accompanies such City resident to the treatment facility
and AMR can therefore only charge for such services at BLS rates.
Plaintiffs Doug and Lorraine Bacon are members of and representatives
of Subclass B.

18 The Court considered the pleadings filed in this action and the following
19 evidence:

- 20 1. The Declaration of Plaintiff Lori E. Davis Bailey.
- 21 2. The Declaration of Plaintiff Lorraine Bacon.
- 22 3. Plaintiffs' Memorandum in Support of Memorandum of Motion to
23 Certify, and the argument therein.
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25

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

20 provided by AMR.

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

23 **Subclass A** – Those persons who were City residents between October 5,

24 1998 and October 31, 2003, and were provided AMR ambulance services

25 for transit to a treatment facility and were charged by AMR and paid (or

payments were made by third-party payors on their behalf) for ALS or

BLS services that were actually provided by SFD personnel. Plaintiff

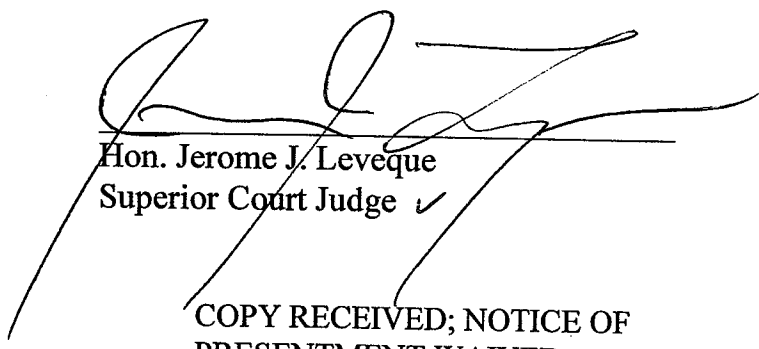
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Lori E. Davis Bailey is a member of and a representative of Subclass A.

Subclass B – Those persons who were and or are City residents since August 19, 2003, who were or are provided AMR ambulance services for transit to a treatment facility and were or are charged and paid (or payments were made by third-party payors on their behalf) ALS rates for services allegedly provided by AMR when, in fact, an SFD paramedic accompanied or accompanies such City resident to the treatment facility and AMR can therefore only charge for such services at BLS rates. Plaintiffs Doug and Lorraine Bacon are members of and representatives of Subclass B.

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

DONE IN OPEN COURT this 3 day of June, 2006.



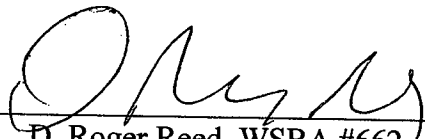
Hon. Jerome J. Leveque
Superior Court Judge ✓

PRESENTED BY:

COPY RECEIVED; NOTICE OF PRESENTMENT WAIVED:

REED & GIESA, P.S.

SHORT, CRESSMAN & BURGESS, PLLC

By 
D. Roger Reed, WSBA #662
Adam P. Tait, WSBA #36822

By _____
Paul J. Dayton
WSBA #12619

Attorneys for Plaintiffs

Attorneys for Defendants

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DECLARATION OF SERVICE

Allisyn Hartman declares as follows:

That at all times herein mentioned I was and am now a citizen of the United States, over the age of eighteen, competent to be a witness in the above-entitled action, not a party thereto and in no way interested therein.

I hereby certify that on this 18th day of May, 2006, I served a true and correct copy of the foregoing, as follows:

Paul J. Dayton
Michael J. Crisera
Short Cressman & Burgess, PLLC
999 Third Avenue, Suite 3000
Seattle, WA 98104-4088

First Class Mail
 Hand Delivery
 E-Mail: lcooper@scblaw.com
 Facsimile

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 18th day of May, 2006, at Spokane, Washington.


Allisyn Hartman