

1 THE HONORABLE CATHERINE MOORE
2 Department 44
3 Noted for Consideration: November 23, 2021
4 Oral Argument Requested

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6
7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
8 COUNTY OF KING

9 KARANBIR SINGH, HARPREET SINGH, and
10 NASTEO OMAR,
11 Plaintiffs,

12 v.

13 GEMINI RIDGEGATE FEE OWNER, LLC, a
14 Foreign limited liability company, AVENUE5
15 RESIDENTIAL LLC, a Foreign limited liability
16 company, and IQ DATA INTERNATIONAL, INC.,
17 a Washington for profit corporation,

18 Defendants.

NO. 20-2-07084-0 SEA

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION

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18 THIS MATTER came before the Court on Plaintiffs' motion for class certification. Prior to
19 ruling the Court considered the following:

- 20 1. Plaintiffs' motion for class certification;
- 21 2. Declaration of Blythe H. Chandler in support of Plaintiffs' motion for class
22 certification;
- 23 3. Declaration of Sam Leonard in support of Plaintiffs' motion for class certification;
- 24 4. Declaration of Karanbir Singh in support of Plaintiffs' motion for class
25 certification;

1 5. Declaration of Harpreet Singh in support of Plaintiffs' motion for class
2 certification;

3 6. Declaration of Nasteho Omar in support of Plaintiffs' motion for class
4 certification;

5 7. Defendant I.Q. Data International, Inc.'s Response;

6 8. Plaintiffs' Reply;

7 9. Supplemental Declaration of Blythe H. Chandler in support of Plaintiffs' motion
8 for class certification;

9 10. _____; and

10 11. _____.

11 Based on the foregoing, IT IS HEREBY ORDERED THAT Plaintiffs' motion for class
12 certification is GRANTED as follows:

13 12. The Court finds that the CPA and FDCPA Classes satisfy the requirements of CR
14 23(a) and (b)(3).

15 13. The numerosity requirement is satisfied because there are at least 10,500
16 members of the CPA Class and at least 4,862 members of the FDCPA Class. *See Miller v. Farmer*
17 *Bros. Co.*, 115 Wn. App. 815, 821, 64 P.3d 49 (2003).

18 14. The commonality requirement is satisfied because there are overarching
19 questions of law and fact common to the Classes, including (1) whether IQ Data's practice of
20 charging interest on former tenant accounts calculated from the date of move-out is a violation
21 of the Collection Agency Act, the Consumer Protection Act, and the Fair Debt Collection
22 Practices Act, and (2) whether IQ Data's practice of using threats of credit reporting to collect
23 interest and other amounts was unfair or deceptive. *See Smith v. Behr Process Corp.*, 113 Wn.
24 App. 306, 320, 54 P.3d 665 (2002).

25 15. The typicality requirement is satisfied because Plaintiffs' claim arise from the
26 same course of conduct that gives rise to the claims of other Class members and is based on the
27 same legal theory. *See Pellino v. Brink's Inc.*, 164 Wn. App. 668, 684, 267 P.3d 383 (2011).

1 16. The adequacy requirement is satisfied because Plaintiffs have no interests
2 antagonistic to the other Class members and are represented by qualified counsel. *See Hansen*
3 *v. Ticket Track, Inc.*, 213 F.R.D. 412, 415 (W.D. Wash. 2003).

4 17. The predominance requirement is satisfied because there is a “common nucleus
5 of operative facts” supporting each Class member’s claims, and all Class members were subject
6 to the same conduct by IQ Data. *See Chavez v. Our Lady of Lourdes Hosp. at Pasco*, 190 Wn.2d
7 507, 516, 415 P.3d 224 (2018).

8 18. The superiority requirement is satisfied because the resolution of hundreds of
9 claims in one action is far superior to individual lawsuits and promotes consistency and
10 efficiency of adjudication. *See Chavez*, 190 Wn.2d at 515.

11 IT IS HEREBY ORDERED THAT Plaintiffs’ Motion for Class Certification is GRANTED. The
12 Court certifies the following Classes:

13 **CPA Class:** All Washington residents who are former tenants of a residential
14 property in Washington on whose account IQ Data collected, on or after January
15 5, 2017, interest calculated from the tenant’s move out date.


16 **FDCPA Class:** All Washington residents who are former tenants of a residential
17 property in Washington on whose account IQ Data collected or attempted to
18 collect, on or after January 5, 2020, interest calculated from the tenant’s move out
19 date.

20 Plaintiffs Karanbir Singh, Harpreet Singh are appointed to serve as class representatives
21 of the CPA Class and Plaintiff Nasteho Omar is appointed to serve as class representative for the
22 FDCPA Class, and their counsel Terrell Marshall Law Group and Leonard Law are appointed to
23 serve as counsel for the Classes.

24 The parties shall confer regarding a proposed notice plan. Class Counsel shall submit
25 either an agreed notice plan or motion to approve notice within 20 days of the date of this
26 order.
27

1 IT IS SO ORDERED.

2 DATED this 23rd day of November, 2021.

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THE HONORABLE CATHERINE MOORE

5 Presented by:

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