

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

JULIUS TERRELL, as an individual and as a  
representative of the class,

Plaintiff,

v.

COSTCO WHOLESALE CORP.,

Defendant.

NO. 16-2-19140-1 SEA

**DECLARATION OF E. MICHELLE  
DRAKE IN SUPPORT OF  
PLAINTIFF'S MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

I, E. Michelle Drake, declares as follows:

1. I am a shareholder of Berger & Montague, P.C., counsel of record for Plaintiff in this matter. I am admitted *pro hac vice* to practice before this Court and am a member in good standing of the bars of the states of Minnesota and Georgia. I respectfully submit this declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

2. No class members objected to the settlement and, out of 113,489 class members, only 41 have timely opted out of the settlement. In contrast, the administrator has received approximately 21,535 complete, timely, non-duplicative claims. This is equal to 19.23% of the Class Members who were required to file claims in order to receive a payment, and, assuming that the Court grants the pending motion for attorney's fees, approval of the settlement will result in payment of about \$63 to each participating class member. If all claims received were

1 valid, that rate would go up to approximately 26%, and the payment per class member would  
2 decrease to just over \$46.

3 I declare under penalty of perjury under the laws of the State of Washington and the  
4 United States of America that the foregoing is true and correct.

5 EXECUTED this 4th day of June, 2018 at Minneapolis, Minnesota.

6 /s/ E. Michelle Drake

7 E. Michelle Drake

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