

May 24 2022 8:30 AM

CONSTANCE R. WHITE
COUNTY CLERK
NO: 20-2-04853-0

THE HONORABLE GRETCHEN LEANDERSON
Department 15
Noted for Consideration: June 3, 2022
Without Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF PIERCE

DEBRA FEALY, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

SOUND CREDIT UNION,

Defendant.

NO. 20-2-04853-0

**DECLARATION OF WALTER SMITH IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT**

I, Walter Smith, declare as follows:

1. I make this declaration in support of Plaintiff's Motion for Preliminary 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. I am an attorney duly admitted to practice in the State of Washington, I am over 18 years of age, and I am competent to testify. I have experience in the prosecution of class actions and individual claims on behalf of consumers as summarized in this declaration.

1 3. I have significant experience in consumer protection investigations and
2 litigation. In law school, I was awarded the Janet D. Steiger Fellowship by the American Bar
3 Association to fund my work in summer 2012 for the Washington Attorney General’s Office
4 Consumer Protection and Antitrust Divisions as a law clerk. I also worked as a legal extern for
5 the Federal Trade Commission’s Northwest Regional Office on matters including antitrust
6 and consumer protection investigations and litigation, and was a judicial extern for the
7 Honorable Karen Overstreet of the U.S. Bankruptcy Court for the Western District of
8 Washington.

9 4. After I graduated with honors from the University of Washington Law School
10 in 2013, I was admitted to the Washington bar the same year. I served as an Assistant
11 Attorney General first in the Washington Attorney General’s Office division handling civil
12 Medicaid fraud enforcement matters, then in the campaign finance enforcement division of
13 the Office. I am a current member of the National Association of Consumer Advocates, a
14 voluntary association of consumer protection attorneys committed to representing clients in
15 disputes with businesses. As part of my membership in NACA, I have sworn not to represent
16 any party with interests adverse to consumers, such as banks, credit unions, or car
17 dealerships.

18 5. My law partner, Steve Dietrich, graduated from the University of Washington
19 Law School in 1992 and was awarded the Order of the Coif. He was a member of the
20 Washington Law Review where he authored a published student comment titled “The
21 Uncertain Reach of Tribal Sovereign Immunity: A Statutory Solution” which has been cited in
22 several scholarly legal publications. He was a law clerk for Judge Joseph Thibodeau in

1 Snohomish County Superior Court, and practiced as an Assistant Attorney General for the
2 Washington Attorney General's Office representing a diverse range of state employees and
3 agencies in litigation and transactional matters from 1993 to 2016.

4 6. Mr. Dietrich and I have been admitted to practice before the United States
5 District Courts for the Eastern and Western Districts of Washington, and the United States
6 Bankruptcy Court for the Western District of Washington (Mr. Dietrich is also admitted in the
7 Bankruptcy Court for the Eastern District of Washington). I have appeared *pro hac vice* in a
8 federal District Court case in Louisiana. Mr. Dietrich has been admitted in various federal
9 District Courts *pro hac vice* over his career. Mr. Dietrich and I are in good standing in every
10 court to which we have been admitted to practice.

11 7. In 2017, Steve Dietrich and I founded Smith & Dietrich Law Offices, PLLC, a law
12 firm in Olympia, Washington primarily focused on serving consumer clients in consumer
13 protection, warranty and real estate disputes. The firm's attorneys represent clients in both
14 complex litigation and individual representations. Mr. Dietrich and I have represented clients
15 in disputes with a diverse range of defendants including automobile manufacturers and
16 retailers, landlords, real estate professionals, companies involved in telemarketing,
17 companies allegedly involved in data breaches, state agencies, and financial institutions.
18 Since our firm opened in 2017, our cases have led to recoveries of millions of dollars in relief
19 for consumer clients, and several of our proposed class action cases remain in active
20 litigation.

21 8. Between us, Mr. Dietrich and I have spent well over 100 hours on this matter
22 since 2019. I have been the primary point of contact for Debra Fealy, whom I worked with to

1 verify the accuracy of the allegations in the complaint and to complete written responses to
2 discovery and documentary production. I have worked in tandem with my co-counsel
3 throughout this litigation, including participation in drafting pleadings and documents related
4 to discovery, review and analysis of factual and legal issues in the case, and strategic decision
5 making about the prosecution of Plaintiff's case.

6 9. Mr. Dietrich and I have advised and represented numerous consumer clients
7 across Washington concerning a diverse range of legal disputes. I have represented
8 numerous clients referred by the Unemployment Law Project, a Seattle non-profit
9 organization, in litigating adverse benefits decisions from the Washington Employment
10 Security Department. I have volunteered at Thurston County Volunteer Legal Services' legal
11 advice clinic and I have represented clients referred by that organization and by the pro bono
12 panel at the Western District of Washington in housing, employment, and other legal
13 disputes. I have presented at continuing legal education seminars about consumer law topics
14 sponsored by TCVLS. I am one of a relatively small number of practitioners in my geographic
15 region that I know of whose legal practice focuses largely on representing plaintiffs in
16 consumer protection class action cases.

17 10. I have been appointed class counsel for settlement purposes in two past
18 consumer protection cases in which the plaintiffs alleged claims based upon wrongful
19 conduct by their financial institutions: *Diel v. Salal Credit Union*, No. 19-2-10266-7 KNT (King
20 County Superior Court, final settlement approval order dated August 28, 2020) and *Marical*
21 *v. Boeing Employees Credit Union*, No. 19-2-20417-6 KNT (King County Superior Court, final
22 settlement approval order dated September 27, 2021). I am among the attorneys

1 representing plaintiffs and proposed class members in multiple active proposed class action
2 cases in state and federal court, in actions concerning federal civil rights claims and
3 consumer protection claims.

4 11. Since the beginning of this case, I have worked with no guarantee of
5 compensation for my time and expenses. My fees in this action have always been contingent
6 on obtaining a successful outcome for Plaintiff and the class.

7 SIGNED UNDER PENALTIES OF PERJURY THIS 19th DAY OF MAY, 2022.

8 /s/ Walter Smith

9 Walter M. Smith