

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GERALD JACKSON, ROSLYN JACKSON,  
DEAN MELLOM, JON PERRIN AND JULIE  
PERRIN, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

THE ALIERA COMPANIES, INC., a  
Delaware corporation; ALIERA  
HEALTHCARE, INC., a Delaware  
corporation; TRINITY HEALTHSHARE,  
INC., a Delaware corporation,

Defendants.

NO. 2:19-cv-01281-BJR

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

THIS MATTER came before the Court on Plaintiffs' Motion for Class Certification. The Court has considered the Plaintiffs' Motion, the Declaration of Eleanor Hamburger, Jon Perrin and all attached Exhibits in Support of Plaintiffs' Motion attached to the declarations. Defendant Alieria did not respond to the Motion. The Court has also considered the other pleadings and records on file.

Based upon the foregoing, the Court hereby GRANTS Plaintiffs' Motion for Class Certification.

I. FINDINGS

The Court makes the following findings, consistent with the Court’s oral ruling which is incorporated herein by reference:

1. Even when a default judgment is entered against a defendant due to a lack of counsel, the proposed class must comply with the requirements of Fed. R. Civ. P. 23.

2. Named Plaintiffs Gerald and Roslyn Jackson, Dean Mellom, and Jon and Julie Perrin propose that the Court certify a class pursuant to Rule 23(b)(3) as follows:

All Washington residents who acquired plans from or through The Alera Companies, Inc., Alera Healthcare, Inc. and Trinity Healthshare, Inc. or any of those entities’ subsidiaries that purported to be “health care sharing ministry” plans at any time from June 27, 2018 to July 8, 2021.

3. The Court first considers whether the proposed class satisfies the four prerequisites of Rule 23(a). The Court then considers whether the requirements under Rule 23(b)(3) are met.

4. Rule 23(a)(1) – Numerosity. The parties identified approximately 2,832 Washington residents enrolled in the Alera/Trinity Plan from June 27, 2018 to July 8, 2021. Luria Decl. ¶8. This satisfies numerosity, and the Court finds that joinder would be impracticable. See FRCP 23(a)(1).

5. Rule 23(a)(2) – Commonality. Rule 23(a)(2) requires that there be at least one question of law or fact common to the members of the class. *Armstrong v. Davis*, 275 F.3d 849, 868 (9th Cir. 2001). The core legal questions that the named plaintiffs and all class members sought in this case is: (1) whether the health plans that Alera created, marketed, sold and administered to class members met the legal requirements of an HCSM under 26 U.S.C. § 5000A and RCW 48.43.009; (2) whether Washington insurance law and regulations forbid the creation, marketing, sale and administration of health care plans in the “business of insurance” without authorization or other legal exception; (3) whether Alera failed to obtain proper authorization for the creation, marketing, sale and administration of an insurance plan in Washington State; and (4) whether Alera’s

1 acts and omissions in violation of Washington insurance law violated the Washington  
2 Consumer Protection Act. Answers to these common questions will be the same for all  
3 class members. Commonality is met.

4 6. Rule 23(a)(3) - Typicality. Rule 23(a)(3) requires that the claims of the  
5 named plaintiff be "reasonably co-extensive with those of absent class members; they  
6 need not be substantially identical." *Hanlon v. Chrysler Corporation*, 150 F.3d 1011, 1020  
7 (9th Cir. 1998). Named Plaintiffs, like all other class members, were sold an  
8 unauthorized and illegal health plan that was designed, marketed, sold and  
9 administered by Alera in violation of Washington law. The claims of the Named  
10 Plaintiffs are typical of that of the proposed class.

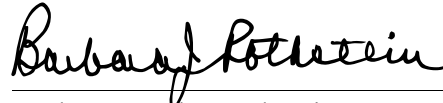
11 7. Rule 23(a)(4) and Rule 23(g) - Adequacy of Representation. Rule 23(a)(4)  
12 and 23(g) requires that both (1) counsel representing the class must be qualified and  
13 competent; and (2) the class representative must not have conflicting interests with  
14 unnamed class members. *Lerwill v. Inflight Motion Pictures, Inc.*, 582 F.2d 507, 512 (9th  
15 Cir. 1978). The declarations from the Named Plaintiffs confirm that they are familiar  
16 with the duties and responsibilities of being a class representative and will continue to  
17 diligently look out for the interests of all class members. *See* Dkt. Nos. 72-76.

18 8. The counsel who represent Named Plaintiffs have established that they  
19 have far-reaching experience in health coverage class action litigation and will continue  
20 to provide vigorous representation of the proposed class. *See* Dkt. Nos. 77-79. The  
21 proposed class representatives and class counsel are adequate.

22 9. Rule 23(b)(3) Standard. Rule 23(b)(1) allows a plaintiff to pursue a class  
23 action if Rule 23(a) is satisfied and if (1) questions of law or fact common to the class  
24 members predominate over questions affecting individual members, and (2) such an  
25 action is superior to other available methods of adjudicating the controversy.  
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1 DATED: November 11, 2021.  
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U.S. District Court Judge  
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