

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GERALD JACKSON, ROSLYN JACKSON
and DEAN MELLOM, 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

**[REVISED PROPOSED]
ORDER GRANTING PLAINTIFFS'
MOTION TO STRIKE ALIERA'S
ANSWER AND ENTER DEFAULT
JUDGMENT OR IN THE
ALTERNATIVE TO GRANT
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

THIS MATTER came before the Court on Plaintiffs' Motion for Class Certification. The Court has considered the Plaintiffs' Motion, the Declarations of Eleanor Hamburger, Jon Perrin, Dean Mellom, Roslyn Jackson, Neil F. Luria (both original and supplemental), and all attached Exhibits in Support of Plaintiffs' Motion attached to those declarations, the Declaration of Mailing (Dkt. No. 160) evidencing service of this Court's October 26, 2021 Order (Dkt. No. 159), the Defendant Alieras' opposition briefing, if any, and any declarations or exhibits submitted in support of

1 Defendant's opposition briefing, and Plaintiffs' reply briefing, if any, and all
2 declarations and exhibits submitted in support of Plaintiffs' reply briefing. The Court
3 has also considered the other pleadings and records on file, and: _____
4 _____
5 _____
6 _____.

7 Based upon the foregoing, and having found that Alieria is unrepresented,
8 despite service of the Motion and all documents in support of the motion (original and
9 supplemental) at Alieria's last known place of business, and on the recorded Assignee
10 for Alieria, and despite the allowance of sufficient time for Alieria to retain counsel (Dkt.
11 150), the Court hereby:

- 12 1. GRANTS Plaintiffs' Motion to Strike Alieria's Answer.
- 13 2. GRANTS Plaintiffs' Motion for Entry of Default.
- 14 3. GRANTS Plaintiffs' Motion for Default Judgment against Alieria. Pursuant to
15 Fed. R. Civ. P. 55(b)(2), the Court enters a default judgment against Defendant
16 Alieria in favor of Roslyn and Gerald Jackson, Dean Mellom, Jon and Julie
17 Perrin, and the Plaintiff Class. Based upon the records and pleadings herein,
18 the Court concludes that Defendant Alieria designed, marketed and sold the
19 Named Plaintiffs and the Plaintiff Class unauthorized and illegal health
20 insurance. The Court further concludes that Alieria's acts and omissions were
21 also violations of the Washington Consumer Protection Act. The damages
22 suffered as a result of these illegal and fraudulent practices is as follows:
23 (a) Roslyn and Gerald Jackson suffered damages in the amount of \$12,082.00
24 in reformation damages;
25 (b) Dean Mellom suffered damages in the amount of \$3,442.00 in rescission
26 damages;

(c) Jon and Julie Perrin suffered damages in the amount of \$7,107.92 in rescission damages;

(d) the Plaintiff Class suffered damages totaling \$22,703,390.00, reflecting \$15,425,962.00 in rescission damages, and \$7,277,428 in reformation damages.

(e) the Plaintiffs and Plaintiff Class are also entitled to \$_____ in damages stemming from Alier’s violation of the Consumer Protection Act. Judgment shall and hereby is entered in these amounts.

4. Orders that Plaintiffs’ counsel may petition for attorney fees and litigation costs pursuant to RCW 19.86.090 and *Olympic Steamship Co. v. Centennial Ins. Co.*, 117 Wn.2d 37, 811 P.2d 673 (1991).

DATED: _____, 2021.

Barbara J. Rothstein
United States District Judge

Presented by:

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