

**AMENDMENT TO CLASS SETTLEMENT AGREEMENT**  
**Entered into Between Plaintiff and Defendant in**  
**Spencer v. City of Mount Vernon, Case No. 22-2-00461-29**

This Amendment to the Class Settlement Agreement (“Settlement Agreement”) is entered into by and between the Parties, Plaintiff Shannon Spencer (“Plaintiff”), in his individual capacity and in his representative capacity on behalf of the Settlement Class in the Action described below, and Defendant City of Mount Vernon. Terms used in this Amendment shall have the same meaning as the Settlement Agreement.

WHEREAS, the Parties entered into the Settlement Agreement, which was fully executed on December 22, 2022. Defendant continues to deny liability as set forth in the Settlement Agreement with respect to the claims of all Settlement Class Members, including those addressed in this Amendment;

WHEREAS, on April 17, 2023, the Court entered an Order Granting Preliminary Approval of Class Action Settlement;

WHEREAS, on May 17, 2023, the Settlement Administrator, JND, mailed the Settlement Class Notice (“Notice”) to known Settlement Class Members and also published an abbreviated Notice in the *Skagit Daily Herald*. JND has maintained a website, toll-free telephone number, and email address for individuals to obtain information about this Action;

WHEREAS, Defendant’s counsel recently learned and notified Plaintiff’s counsel that there was a separate application process for the Police Department and a supplemental application filled out by certain applicants that included questions related to prior salary. Defendant identified 125 individuals who received the supplemental application and, of that group, 53 individuals who actually submitted the supplemental application. These 125 individuals were erroneously excluded from the Settlement Class Data (“Missing Settlement Class Members”); and

NOW, THEREFORE, the Parties agree to amend the Settlement Agreement so that the Missing Settlement Class Members will be included as intended by the Settlement Agreement. The Settlement Agreement shall remain in full force and effect. This Amendment is intended only to correct the error that excluded the Missing Settlement Class Members and set forth the process for including them in the settlement.

1. **Court Approval of Amendment:** All provisions of this Amendment shall be subject to Court approval. The Parties will include a request to approve the Amendment in the Motion for Final Approval of Class Settlement.

2. **Settlement Notice:** Because the Notice was published in the *Skagit Valley Herald* and JND has maintained a publicly available website, the Parties agree that a separate Notice is not required for the Missing Settlement Class Members. The Missing Settlement Class Members received notice by publication and thereby received an opportunity to opt out of the settlement. If, however, the Court feels a separate mailed notice is necessary, the Parties propose that it be sent with the settlement checks to ensure timely distribution and that it be in substantially the same

form as the original Notice with any revisions necessary to address this Amendment. Within 14 days of the Parties' execution of this Amendment, Defendant shall provide contact information for the Missing Settlement Class Members to the Settlement Administrator. The Settlement Administrator shall update the Missing Settlement Class Members' addresses using the National Change of Address database and other available resources deemed suitable by the Settlement Administrator, and, to the extent this process yields an updated address, that updated address shall replace the last known address and be treated as the new last known address for purposes of the Settlement Agreement and this Amendment.

3. Additional Settlement Payment: Defendant has agreed to pay an additional amount of \$44,932.50 to be added to the Net Settlement Class Fund. All payments will be made under the same terms as stated in the Settlement Agreement. Defendant further agrees to pay any additional settlement administration expenses incurred as a result of this Amendment that cause the total settlement administration expenses to exceed \$50,000.

4. Effect of Amendment: The Missing Settlement Class Members will be subject to the Settlement Agreement and the Court's Orders in all respects to the same extent as every other Participating Settlement Class Member. The Parties and the Settlement Administrator shall comply with the Settlement Agreement in all respects, except that the procedures set forth in this Amendment shall control as to the Missing Settlement Class Members to the extent there is any difference.

*(continued on next page)*

IN WITNESS WHEREOF, the undersigned have duly executed this Amendment to the Settlement Agreement as of the date indicated below:

Individually & on behalf of Settlement Class Members,

Dated: Jul 20 2023

By:   
Shannon Spencer, Plaintiff

Settlement Class Counsel,

Dated: July 20, 2023

By:   
Timothy W. Emery, Emery Reddy, PLLC

City of Mount Vernon,

Dated: July 27, 2023

By:  Jill BOUDREAU, Mayor  
Its authorized agent, Defendant

Defendant's Counsel,

Dated: July 27, 2023

By:   
Breanne Martell, Littler Mendelson, P.C.