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8 Attorneys for The Church of Jesus Christ of
9 Latter-day Saints and Donald C. Fossum

10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 THOMAS A. WAITE,

13 Plaintiff,

14 vs.

15 THE CHURCH OF JESUS CHRIST OF
16 LATTER DAY SAINTS d/b/a
17 CORPORATION OF THE PRESIDING
18 BISHOP OF THE CHURCH OF JESUS
19 CHRIST OF LATTER DAY SAINTS, a
20 Utah corporation, d/b/a CORPORATION
21 OF THE PRESIDENT OF THE CHURCH
22 OF JESUS CHRIST OF LATTER DAY
23 SAINTS, a Utah corporation; DONALD C.
24 FOSSUM; and STEVEN D. BRODHEAD,

25 Defendants.

Case No.: CV-05-399-EFS

ORDER GRANTING
DISMISSAL OF THE
CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS

26 Based on the parties' Stipulation concerning dismissal of the Church of
27 Jesus Christ of Latter-day Saints, it is hereby

28 ORDERED, ADJUDGED AND DECREED:

1. The Church of Jesus Christ of Latter-day Saints is dismissed from
this action with prejudice and without costs to any party.

2. Dismissal of The Church of Jesus Christ of Latter-day Saints does
not impact any claim or cause of action plead in the Complaint and both CPB and
COP will remain as defendants in the case.

ORDER GRANTING DISMISSAL ... - 1

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WITHERSPOON, KELLEY, DAVENPORT & TOOLE
A PROFESSIONAL SERVICE CORPORATION
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3. CPB and COP, either or both, will be vicariously liable for any negligence attributed to defendant Donald Fossum under the doctrine of *respondeat superior*.

DONE IN OPEN COURT this ____ day of April, 2007.

EDWARD SHEA, DISTRICT COURT JUDGE

1 Presented By:

2 **WITHERSPOON, KELLEY, DAVENPORT**
3 **& TOOLE**

4 By:

5 Brian T. Rekofke, WSBA No. 13260
6 Ross P. White, WSBA No. 12136
7 Attorneys for Fossum, The Church of
8 Jesus Christ Of Latter Day Saints,
9 Corporation of Presiding Bishop and
10 Corporation of the President

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28 ORDER GRANTING DISMISSAL ... - 3

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