

THE HONORABLE MARSHA J. PECHMAN

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MADISON HOUSE, LTD., d/b/a Madison House Ltd. Sotheby's International Realty, a Washington corporation, and ALBERT and KATHRYN HUGHES, a married couple;

Plaintiffs,

v.

SOTHEBY'S INTERNATIONAL REALTY AFFILIATES, INC., a Delaware corporation; CENDANT REAL ESTATE SERVICES GROUP, INC., a Delaware corporation; and CENDANT CORPORATION, a Delaware corporation,

Defendants.

NO. 06-1054-MJP

STIPULATION AND ORDER TO:

- (1) VACATE STATE COURT ORDER OF DEFAULT AND DEFAULT JUDGMENT, AND
- (2) STRIKE PLAINTIFFS' MOTION TO REMAND ACTION TO STATE COURT

STIPULATION

The parties, through their undersigned counsel, hereby stipulate to the following:

(1) The parties stipulate that the Order of Default and Default Judgment entered by the King County Superior Court of Washington on July 28, 2006 may be vacated, and further agree that they will jointly file a stipulation with the King County Superior Court vacating that Order of Default and Default Judgment.

(2) Plaintiffs strike their Motion to Remand Action to State Court under 28 U.S.C. § 1447(c), which was noted for September 15, 2006.

1 DATED this 8th day of September, 2006.

2 TOUSLEY BRAIN STEPHENS PLLC

SUSSMAN SHANK LLP

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5 By: /s/ Chase Alvord
Chase C. Alvord, WSBA #26080
Attorneys for Plaintiffs

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8 By: /s/ John Schwimmer*
John A. Schwimmer, WSBA #36558
Attorneys for Defendants*via email authorization

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10 **ORDER**

11 Upon the foregoing stipulation, it is ORDERED, without costs to either party, that:

12 (1) The Order of Default and Default Judgment entered on July 28, 2006 by the King
13 County Superior Court of Washington against Defendant Sotheby's International Real Estate
14 Affiliates is hereby VACATED;

15 (2) The King County Superior Court shall enter a corresponding order on its docket
16 vacating the Order of Default and Default Judgment; and

17 (3) Plaintiffs' Motion to Remand to State Court noted for September 15, 2006 is
18 STRICKEN.

19 DATED: September _25_, 2006

20 /s Marsha J. Pechman
21 MARSHA J. PECHMAN
22 United States District Judge