

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

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

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8 **ORDER**

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

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

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

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

17 DATED: September \_25\_, 2006

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