

1 THE HONORABLE MARSHA J. PECHMAN

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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9  
10 AVVO, INC., a Washington corporation, and  
MARK BRITTON, an individual,

11 Plaintiff,

12 v.

13 WESTCHESTER FIRE INSURANCE  
COMPANY, a New York Corporation,

14 Defendant.

Case No.: 08-1597 MJP

DECLARATION OF BENJAMIN J.  
STONE REGARDING RECORDS AND  
PROCEEDINGS IN STATE COURT

15 I, Benjamin J. Stone, declare under penalty of perjury under the laws of the State of  
16 Washington that, to the best of my knowledge and belief, the records and proceedings filed in  
17 connection with this matter in the Superior Court of the State of Washington for King County,  
18 Cause No. 08-2-34053-8 SEA as of October 31, 2008, consist of the following:

- 19
- 20 • Summons
  - 21 • Complaint
  - 22 • Order Setting Civil Case Schedule
  - 23 • Case Information Cover Sheet
  - 24 • Notice of Appearance on Behalf of Defendant
  - 25 • Insurance Commissioner's Certificate of Service
  - 26 • Amended Affidavit of Service

DECLARATION OF BENJAMIN J. STONE REGARDING  
RECORDS AND PROCEEDINGS IN STATE COURT - 1

LAW OFFICES OF  
COZEN O'CONNOR  
A PROFESSIONAL CORPORATION  
SUITE 5200  
WASHINGTON MUTUAL TOWER  
1201 THIRD AVENUE  
SEATTLE, WASHINGTON 98101-3071  
(206) 340-1000

- Notice to Adverse Party of Removal to Federal Court

True and complete copies of all of the above-listed materials are attached to this declaration, with the following three exceptions. The Complaint and Insurance Commissioner's Certificate of Service were attached as Exhibits A and B to Defendant's Notice of Removal to Federal Court, which was filed in this Court on October 30, 2008, and therefore is not attached here. Also, a copy of Defendant's Notice of Removal to Federal Court was attached as Exhibit A to the Notice to Adverse Party of Removal to Federal Court, which was filed in the King County Superior Court on October 30, 2008, but because Defendant's Notice of Removal to Federal Court was already filed in this Court, Exhibit A to the Notice to Adverse Party of Removal to Federal Court is not submitted again here.

DATED this 31st day of October, 2008.

/s/ Benjamin J. Stone  
Benjamin J. Stone, WSBA #33436

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on October 31, 2008, I electronically filed the following  
3 documents with the Clerk of the Court using the CM/ECF system which will send notification  
4 of such filing to the following: Tricia Boerger.

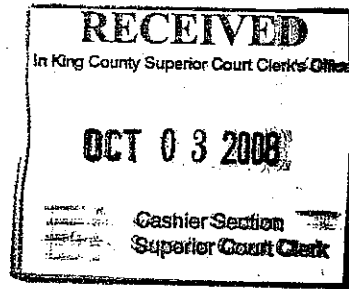
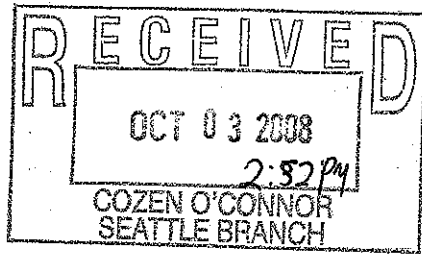
5  
6 **DECLARATION OF BENJAMIN J. STONE REGARDING RECORDS AND**  
7 **PROCEEDINGS IN STATE COURT**

8 DATED this 31st day of October, 2008.

9 **COZEN O'CONNOR**

10  
11 By: /s/ Lisa Heusler, Legal Assistant to  
12 Benjamin J. Stone, WSBA #33436

13 **COZEN O'CONNOR**  
14 1201 Third Avenue, Suite 5200  
15 Seattle, Washington 98101  
16 Telephone: 206.340.1000  
17 Facsimile: 206.621.8783  
18 E-mail: [bstone@cozen.com](mailto:bstone@cozen.com)



SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

AVVO, INC., a Washington corporation, and  
MARK BRITTON, an individual

Plaintiffs,

v.

WESTCHESTER FIRE INSURANCE  
COMPANY, a New York corporation,

Defendant.

NO. **08-2-34053-8 SEA**  
**SUMMONS**  
**[40 DAYS]**

TO: **WESTCHESTER FIRE INSURANCE COMPANY:**  
Two Liberty Place  
1601 Chestnut Street  
Philadelphia, PA 19101

A lawsuit has been started against you in the above-entitled court by Plaintiffs Avvo, Inc. and Mark Britton. Plaintiffs' claims are stated in the written Complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving copy upon the person signing this summons within 40 days of the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiffs are entitled to

SUMMONS - 1

SAVITT & BRUCE LLP  
1325 Fourth Avenue Suite 1410  
Seattle, Washington 98101-2509  
(206) 749-0500

1 what it asks for because you have not responded. If you serve a notice of appearance on the  
2 undersigned person, you are entitled to notice before a default judgment may be entered.

3 You may demand that the Plaintiffs file this lawsuit with the court. If you do so, the  
4 demand must be in writing and must be served upon the person signing this summons. Within  
5 14 days after you serve the demand, the Plaintiffs must file this lawsuit with the court, or the  
6 service on you of this summons and complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do so promptly  
8 so that your written response, if any, may be served on time.

9 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the  
10 State of Washington.

11 DATED this 3<sup>rd</sup> day of October, 2008

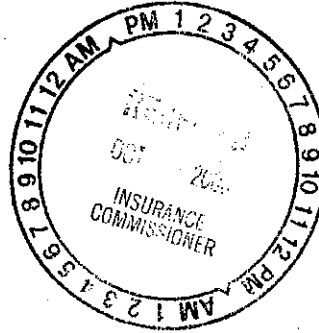
12  
13 **SAVITT & BRUCE LLP**

14 By 

15 James P. Savitt, WSBA #16847

16 Tricia S. Boerger, WSBA #38581

17 Attorneys for Plaintiffs Avvo, Inc. and Mark  
18 Britton



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

AVVO INC ET ANO

NO. 08-2-34053-8 SEA

Order Setting Civil Case Schedule (\*ORSCS)

vs

Plaintiff(s)

WESTCHESTER FIRE INS CO

ASSIGNED JUDGE Benton 49

FILE DATE: 10/03/2008

Defendant(s)

TRIAL DATE: 03/29/2010

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

**NOTICE TO PLAINTIFF:** The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

**"I understand that I am required to give a copy of these documents to all parties in this case."**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Sign Name

## I. NOTICES (continued)

### **NOTICE TO ALL PARTIES:**

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLR] -- especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

### **CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:**

A filing fee of \$200 must be paid when any answer that includes additional claims is filed in an existing case.

#### **KCLCR 4.2(a)(2)**

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

### **PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:**

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this **Schedule** are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

**If you miss your scheduled Trial Date**, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

### **NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:**

*All parties to this action must keep the court informed of their addresses.* When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

### **ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:**

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$220 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

### **NOTICE OF NON-COMPLIANCE FEES:**

All parties will be assessed a fee authorized by King County Code 4.71.050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

**King County Local Rules are available for viewing at [www.kingcounty.gov/kcsc](http://www.kingcounty.gov/kcsc).**

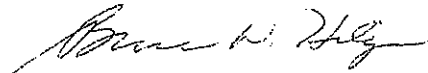
## II. CASE SCHEDULE

| CASE EVENT  | DEADLINE<br>or<br>EVENT DATE | Filing<br>Needed |
|---|------------------------------|------------------|
| Case Filed and Schedule Issued.   | Fri 10/03/2008               | *                |
| Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2].<br><b>\$220 arbitration fee must be paid</b>        | Fri 03/13/2009               | *                |
| <b>DEADLINE</b> to file Confirmation of Joinder if not subject to Arbitration. [See KCLCR 4.2(a) and Notices on Page 2].  | Fri 03/13/2009               | *                |
| <b>DEADLINE</b> for Hearing Motions to Change Case Assignment Area. [See KCLCR 82(e)]   | Fri 03/27/2009               |                  |
| <b>DEADLINE</b> for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)].   | Mon 10/26/2009               |                  |
| <b>DEADLINE</b> for Disclosure of Possible Additional Witnesses [See KCLCR 26(b)].  | Mon 12/07/2009               |                  |
| <b>DEADLINE</b> for Jury Demand [See KCLCR 38(b)(2)].   | Mon 12/21/2009               | *                |
| <b>DEADLINE</b> for Setting Motion for a Change in Trial Date [See KCLCR 40(e)(2)].   | Mon 12/21/2009               | *                |
| <b>DEADLINE</b> for Discovery Cutoff [See KCLCR 37(g)].   | Mon 02/08/2010               |                  |
| <b>DEADLINE</b> for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].   | Mon 03/01/2010               |                  |
| <b>DEADLINE</b> for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(j)].   | Mon 03/08/2010               |                  |
| <b>DEADLINE</b> to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(2)]  | Mon 03/08/2010               | *                |
| <b>DEADLINE</b> for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].   | Mon 03/15/2010               |                  |
| Joint Statement of Evidence [See KCLCR (4)(k)].   | Mon 03/22/2010               | *                |
| <b>DEADLINE</b> for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file Proposed Findings of Fact and Conclusions of Law with the Clerk) | Mon 03/22/2010               | *                |
| Trial Date [See KCLCR 40].  | Mon 03/29/2010               |                  |

## III. ORDER

Pursuant to King County Local Civil Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Civil Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 10/03/2008



PRESIDING JUDGE



#### **IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE**

##### **READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE**

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

**COMPLEX LITIGATION:** If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

**APPLICABLE RULES:** Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

##### **CASE SCHEDULE AND REQUIREMENTS**

Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

##### **THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.**

###### **A. Joint Confirmation regarding Trial Readiness Report:**

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

###### **B. Settlement/Mediation/ADR**

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. **FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**

**C. Trial:** Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcounty.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

##### **MOTIONS PROCEDURES**

###### **A. Noting of Motions**

**Dispositive Motions:** All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Nondispositive Motions:** These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Motions in Family Law Cases not involving children:** Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Emergency Motions:** Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

#### **B. Original documents/working copies Filing of Documents**

**All original documents must be filed with the Clerk's Office.**

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator.

**Original Proposed Order:** Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

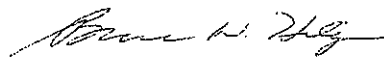
**Presentation of Orders:** All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

**Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department.** Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.**

**C. Form**

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for nondispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

**IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.**



---

**PRESIDING JUDGE**

FILED

FILED

08 OCT -3 AM 10: 23

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

KING CO SUPERIOR CT  
BARBARA MINER  
DIRECTOR & SUP CRT CLERK  
SEATTLE WA

08-2-34053-8

| Receipt Date | Acct. Date | Time     |
|--------------|------------|----------|
| 10/03/2008   | 10/03/2008 | 10:23 AM |

| Receipt/Item #   | Tran-Code | Docket-Code |
|------------------|-----------|-------------|
| 2008-14-12283/01 | 1100      | \$FFR       |

Cashier: DJS

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION  
and  
CASE INFORMATION COVER SHEET  
(cics)**

Paid By: SAVITT, BRUCE  
Transaction Amount: \$200.00

In accordance with LR82(e), a faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to King County Code 4.71.100.

CASE NUMBER: 08-2-34053-8 SEA

CASE CAPTION: AVVO, INC., a Washington corporation, and MARK BRITTON, an individual v. WESTCHESTER FIRE INSURANCE COMPANY, a New York corporation

I certify that this case meets the case assignment criteria, described in King County LR 82(e), for the:

X  Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner/Plaintiff

Date

or

Signature of Attorney for  
Petitioner/Plaintiff

10/3/08  
Date

38581  
WSBA Number

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION**

**and  
CASE INFORMATION COVER SHEET**

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4.71.100.

**APPEAL/REVIEW**

- Administrative Law Review (ALR 2)\*
- DOL Implied Consent—Test Refusal—only RCW 46.20.308 (DOL 2)\*

**CONTRACT/COMMERCIAL**

- Breach of Contract (COM 2)\*
- Commercial Contract (COM 2)\*
- Commercial Non-Contract (COL 2)\*
- Meretricious Relationship (MER 2)\*  
with dependent children? Y / N; pregnant? Y / N
- Third Party Collection (COL 2)\*

**DOMESTIC RELATIONS**

- Annulment/Invalidity (INV3)\*  
with dependent children? Y / N; wife pregnant? Y / N
- Nonparental Custody (CUS 3)\*
- Dissolution With Children (DIC 3)\*
- Dissolution With No Children (DIN 3)\*  
wife pregnant? Y / N
- Enforcement/Show Cause- Out of County (MSC 3)
- Establish Residential Sched/Parenting Plan(PPS 3)\* ££
- Establish Supprt Only (PPS 3)\* ££
- Legal Separation (SEP 3)\*  
with dependent children? Y / N; wife pregnant? Y / N
- Mandatory Wage Assignment (MWA 3)
- Modification (MOD 3)\*
- Modification - Support Only (MDS 3)\*
- Out-of-state Custody Order Registration (FJU 3)
- Out-of-State Support Court Order Registration (FJU 3)
- Reciprocal, Respondent Out of County (ROC 3)
- Reciprocal, Respondent in County (RIC 3)
- Relocation Objection/Modification (MOD 3)\*

**ADOPTION/PATERNITY**

- Adoption (ADP 5)
- Challenge to Acknowledgment of Paternity (PAT 5)\*
- Challenge to Denial of Paternity (PAT 5)\*
- Confidential Intermediary (MSC 5)
- Establish Parenting Plan-Existing King County Paternity (MSC 5)\*
- Initial Pre-Placement Report (PPR 5)
- Modification (MOD 5)\*
- Modification-Support Only (MDS 5)\*
- Paternity, Establish/Disestablish (PAT 5)\*
- Paternity/UIFSA (PUR 5)\*
- Out-of-State Custody Order Registration (FJU 5)
- Out-of-State Support Order Registration (FJU5)
- Relinquishment (REL 5)
- Relocation Objection/Modification (MOD 5)\*
- Rescission of Acknowledgment of Paternity (PAT 5)\*
- Rescission of Denial of Paternity (PAT 5)\*
- Termination of Parent-Child Relationship (TER 5)

**DOMESTIC VIOLENCE/ANTIHARASSMENT**

- Civil Harassment (HAR 2)
- Confidential Name Change (CHN 5)
- Domestic Violence (DVP 2)
- Domestic Violence with Children (DVC 2)
- Foreign Protection Order (FPO 2)
- Sexual Assault Protection Order (SXP 2)
- Vulnerable Adult Protection (VAP 2)

££ Paternity Affidavit or Existing/Paternity is not an issue and NO other case exists in King County

\* The filing party will be given an appropriate case schedule

\*\* Case schedule will be issued after hearing and findings.

**KING COUNTY SUPERIOR COURT  
CASE ASSIGNMENT DESIGNATION**

and

**CASE INFORMATION COVER SHEET**

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4.71.100.

**PROPERTY RIGHTS**

- Condemnation/Eminent Domain (CON 2)\*
- Foreclosure (FOR 2)\*
- Land Use Petition (LUP 2)\*
- Property Fairness (PFA 2)\*
- Quiet Title (QTI 2)\*
- Unlawful Detainer (UND 2)

**JUDGMENT**

- Confession of Judgment (MSC 2)\*
- Judgment, Another County, Abstract (ABJ 2)
- Judgment, Another State or Country (FJU 2)
- Tax Warrant (TAX 2)
- Transcript of Judgment (TRJ 2)

**OTHER COMPLAINT/PETITION**

- Action to Compel/Confirm Private Binding Arbitration (MSC 2)
- Certificate of Rehabilitation (MSC 2)
- Change of Name (CHN 2)
- Deposit of Surplus Funds (MSC 2)
- Emancipation of Minor (EOM 2)
- Frivolous Claim of Lien (MSC 2)
- Injunction (INJ 2)\*
- Interpleader (MSC 2)
- Malicious Harassment (MHA 2)\*
- Non-Judicial Filing (MSC 2)
- Other Complaint/Petition (MSC 2)\*
- Seizure of Property from the Commission of a Crime (SPC 2)\*
- Seizure of Property Resulting from a Crime (SPR 2)\*
- Structured Settlements (MSC 2)\*
- Subpoena (MSC 2)

**PROBATE/GUARDIANSHIP**

- Absentee (ABS 4)
- Disclaimer (DSC4)
- Estate (EST 4)
- Foreign Will (FNW 4)
- Guardian (GDN4)
- Limited Guardianship (LGD 4)
- Minor Settlement (MST 4)
- Notice to Creditors – Only (NNC 4)
- Trust (TRS 4)
- Trust Estate Dispute Resolution Act/POA (TDR 4)
- Will Only—Deceased (WLL4)

**TORT, MEDICAL MALPRACTICE**

- Hospital (MED 2)\*
- Medical Doctor (MED 2)\*
- Other Health Care Professional (MED 2)\*

**TORT, MOTOR VEHICLE**

- Death (TMV 2)\*
- Non-Death Injuries (TMV 2)\*
- Property Damage Only (TMV 2)\*
- Victims Vehicle Theft (VVT 2)\*

**TORT, NON-MOTOR VEHICLE**

- Asbestos (PIN 2)\*\*
- Implants (PIN 2)
- Other Malpractice (MAL 2)\*
- Personal Injury (PIN 2)\*
- Products Liability (TTO 2)\*
- Property Damage (PRP 2)\*
- Wrongful Death (WDE 2)\*
- Tort, Other (TTO 2)\*

**WRIT**

- Habeas Corpus (WHC 2)
- Mandamus (WRM 2)\*\*
- Review (WRV 2)\*\*

\* The filing party will be given an appropriate case schedule. \*\* Case schedule will be issued after hearing and findings.

RECEIVED

08 OCT -6 PM 3:47

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

AVVO, INC., a Washington corporation, and  
MARK BRITTON, an individual,

Plaintiffs,

v.

WESTCHESTER FIRE INSURANCE  
COMPANY, a New York corporation,

Defendant.

No. 08-2-34053-8SEA

**NOTICE OF APPEARANCE**

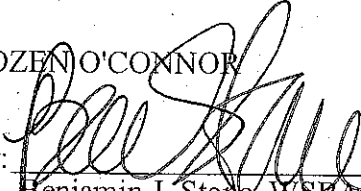
(CLERK'S ACTION REQUIRED)

TO: Avvo, Inc. and Mark Britton, Plaintiffs;  
AND TO: James P. Savitt and Tricia S. Boerger, Savitt & Bruce, LLP, Plaintiffs'  
Attorneys.

PLEASE TAKE NOTICE that defendant, WESTCHESTER FIRE INSURANCE COMPANY, without waiving objections as to improper service or jurisdiction, hereby enters appearance through the undersigned attorney, and you are notified that service of all further pleadings, notices, documents or other papers herein, exclusive of original process, may be had upon said defendant by serving the undersigned attorney of record at the address below stated.

DATED this 6th day of October, 2008.

COZEN O'CONNOR

By:   
Benjamin J. Stone, WSBA No. 33436  
Attorneys for Defendant Westchester Fire  
Insurance Company

NOTICE OF APPEARANCE - 1

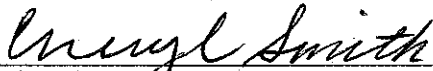
LAW OFFICES OF  
COZEN O'CONNOR  
A PROFESSIONAL CORPORATION  
SUITE 5200  
WASHINGTON MUTUAL TOWER  
1201 THIRD AVENUE  
SEATTLE, WASHINGTON 98101-3071  
(206) 340-1000

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**CERTIFICATE OF SERVICE**

I, Cheryl Smith, certify that on October 6, 2008, I caused a true and correct copy of Defendant Westchester Fire Insurance Company's Notice of Appearance to be served on the following:

|                                |                                     |                       |
|--------------------------------|-------------------------------------|-----------------------|
| James P. Savitt                | <input type="checkbox"/>            | Via Legal Messenger   |
| Tricia S. Boerger              | <input type="checkbox"/>            | Via Overnight Courier |
| Savitt & Bruce LLP             | <input checked="" type="checkbox"/> | Via Facsimile         |
| 1325 Fourth Avenue, Suite 1410 | <input checked="" type="checkbox"/> | Via U.S. Mail         |
| Seattle, WA 98101-2509         |                                     |                       |

  
Cheryl Smith



FILED

08 OCT 21 AM 10: 25

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF KING

AVVO, INC., Washington corporation; et al.,

NO. 08-2-34053-8 SEA

Plaintiff(s),

Vs.

WESTCHESTER FIRE INSURANCE COMPANY, a  
New York corporation,

Defendant(s).

AMENDED AFFIDAVIT OF SERVICE OF:  
SUMMONS [40 DAYS]; COMPLAINT FOR BREACH  
OF INSURANCE CONTRACT, BAD FAITH,  
VIOLATION OF THE WASHINGTON CONSUMER  
PROTECTION ACT AND VIOLATION OF THE  
INSURANCE FAIR CONDUCT ACT; ORDER  
SETTING CIVIL CASE SCHEDULE; COVER  
LETTER DATED OCTOBER 3<sup>RD</sup>, 2008; CHECK NO.  
9962 IN THE AMOUNT OF \$10 TO THE INSURANCE  
COMMISSIONER.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

The undersigned, being first duly sworn, on oath states:

That I am now, and at all times herein mentioned, was a citizen of the United States and a resident of the State of Washington, over the age of 18 years, not a party to or interested in the above entitled action, and am competent to be a witness therein.

That at 2:24 P.M. on October 3<sup>rd</sup>, 2008, at 5000 Capitol Boulevard, Tumwater, Washington, I duly served the above-described documents in the above-described matter upon the Office of the Insurance Commissioner, by then and there personally delivering two true and correct copies thereof by leaving the same with Cassie Cossier, Office Assistant III, at the office of the Insurance Commissioner.

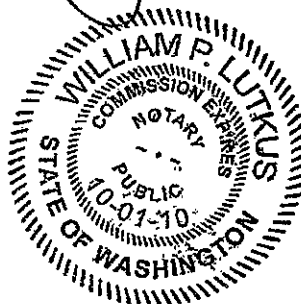
  
\_\_\_\_\_  
JOHN GASTON KING CO. # 9307249

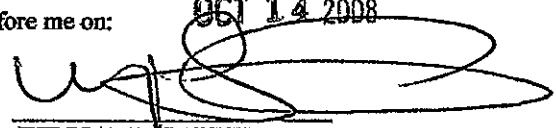
SUBSCRIBED AND SWORN to before me on:

OCT 14 2008

Service Fees: 12.00  
Ferry tolls:  
Travel: 35.00  
SSA:  
Trace:  
Bad Address:  
Aff./Notary Fee: 12.00  
Special Fee: 120.00  
Wait:

TOTAL \$ 179.00



  
\_\_\_\_\_  
WILLIAM P. LUTKUS  
NOTARY PUBLIC in and for the State  
of Washington residing at: Seattle.  
My commission expires: 10-01-10.