1	HONORABLE RONALD B. LEIGHTON
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6 7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON
8	AT TACOMA
9	CAROLYN ANDERSON, CASE NO. C11-0902RBL
10	Plaintiff, ORDER
11	v.
12	FOUR OUR FAMILIES, INC. and CALL-EM-ALL, LLC,,
13	Defendant.
14	THIS MATTER is before the Court on Call-Em-All, LLC's (CEA) Motion for Summary
15	Judgment [Dkt. #107] and related thereto Four Our Families, Inc.'s (FOFI) Motion to Strike
16	Exhibit 6 [Dkt. #115]. The Court has reviewed the materials filed in favor and in opposition to
17	said motions and for the reasons stated in open court on September 14, 2012, hereby rules as
18	follows:
19	1. The Motion to Strike [Dkt. #115] is DENIED . The e-mail is in no way protected by
20 21	Attorney-Client Privilege or Attorney Work Product Privilege. The e-mail is an
21	Admission by a Party-Opponent and is properly considered by the Court.
23	2. The Motion for Summary Judgment [Dkt. #107] is GRANTED . The Terms and
24	Conditions were accepted by Michael Brown of FOFI. The Terms and Conditions
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1 contained the indemnity provision that CEA seeks to enforce. That indemnity provides as follows: 2 3 You agree to indemnify, defend and hold harmless Call-Em-All, its officers, directors, owners, employees, agents, other Service Providers, vendors or customers from and against all losses, 4 liabilities, expenses, damages and costs, including reasonable attorneys' fees resulting from any violation of the User Agreement 5 by you or any harm you may cause to anyone. You agree and we reserve the right, at your expense, to assume the exclusive defense 6 and control of any matter otherwise subject to indemnification by you. [ECF Doc. # 107-2 at p. 61, ¶25]. 7 3. Call-Em-All did not tender the defense to FOFI. 8 9 Therefore, the Court enters judgment in favor of Call-Em-All, LLC against Four Our Families, Inc., the sum of \$5,000, the sum paid by Call-Em-All, LLC to settle the claims of the 10 plaintiff and further, the sum of \$500.00 as reasonable attorney fees. 11 12 Dated this 14th day of September, 2012. 13 14 Ronald B. Leighton 15 United States District Judge 16 17 18 19 20 21 22 23 24