

The Honorable Robert S. Lasnik

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WEISS-JENKINS IV, LLC, a Washington
limited liability company,

Plaintiff,

v.

UTRECHT MANUFACTURING
CORPORATION, a Delaware corporation, and
DICK BLICK HOLDINGS, INC., a Delaware
corporation,

Defendants.

NO. 2:14-cv-00954-RSL

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE: (1) APPROVAL OF
LETTER OF CREDIT, AND
(2) STAY OF JUDGMENT PENDING
APPEAL**

I. STIPULATION

Plaintiff Weiss-Jenkins IV, LLC, n/k/a Weiss Company IV, LLC (“Plaintiff”) and
Defendants Utrecht Manufacturing Corporation (“Utrecht”) and Dick Blick Holdings, Inc.
 (“Dick Blick”) (collectively, “Defendants”), by and through their undersigned counsel, hereby
 stipulate and agree as follows:

1. On September 9, 2016, the Court issued an Amended Final Judgment in favor of
 Plaintiff as Judgment Creditor in the amount of \$1,134,920.54 (the “Judgment”). *See* ECF-105.
2. This matter is presently on appeal before the Ninth Circuit Court of Appeals,
 Case No. 16-35552 (the “Appeal”).

STIPULATION AND ORDER RE: (1) APPROVAL OF LETTER
OF CREDIT, AND (2) STAY OF JUDGMENT PENDING
APPEAL - 1
(No. 2:14-cv-00954-RSL)

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1 3. Plaintiff and Dick Blick are agreed that a Letter of Credit is an appropriate form
2 of security for the Appeal.

3 4. On behalf of Dick Blick, JP Morgan Chase Bank N.A. has issued and delivered
4 to Plaintiff an Irrevocable Standby Letter of Credit in the amount of \$1,250,000 with Plaintiff
5 as the named beneficiary (the "LOC").

6 5. The LOC is functionally analogous to a supersedeas bond and, subject to the
7 Court's approval of the LOC and entry of the subjoined Order, the Judgment should be stayed
8 pending the Appeal in accordance with Fed.R.Civ.P. 62(d) so long as the LOC remains in
9 effect.

10 SO STIPULATED AND AGREED this 14th day of December 2017.

11 **DAVIS WRIGHT TREMAINE, LLP**

11 **SAVITT BRUCE & WILLEY LLP**

12 By /s/ Rhys M. Farren [email authorization]

12 By /s/ Stephen C. Willey

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18 *Attorneys for Plaintiff*

18 *Attorneys for Defendants*

II. ORDER

Consistent with the foregoing stipulation of the parties:

1. The Court approves of the LOC as security for the Appeal functionally analogous to a supersedeas bond.

2. In accordance with Fed.R.Civ.P. 62(d), the Judgment herein is stayed so long as the LOC remains in effect.

It is so ORDERED.

DATED: Dec. 15, 2017.



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Presented by:

DAVIS WRIGHT TREMAINE, LLC

By /s/ Rhys M. Farren [email authorization]
Rhys M. Farren, WSBA #19398

Attorneys for Plaintiff Weiss-Jenkins IV, LLC

SAVITT BRUCE & WILLEY LLP

By /s/ Stephen C. Willey
Stephen C. Willey, WSBA #24499

Attorneys for Defendants Utrecht Manufacturing Corporation
and Dick Blick Holdings, Inc.