

The Honorable Marsha J. Pechman

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

PETER EVAN DRESEL,

Plaintiff,

vs.

PENSION PLAN OF THE PACIFIC
NORTHWEST LABORATORIES,
BATTELLE MEMORIAL INSTITUTE,

Defendant.

NO. 2:14-cv-01665

**ORDER ON JOINT MOTION TO
DISSOLVE STAY**

NOTE DATE: January 16, 2018

This matter comes before the Court on a joint motion of the parties hereto through their undersigned counsel pursuant to Local Rule 7(d)(1) for an order dissolving the Order Staying Enforcement of Judgment Pending Appeal (dkt # 54) dated October 15, 2015, and directing that plaintiff Peter Evan Dresel (“Dresel”) may have access to and dispose of the attorney fees deposited in his counsel’s trust account.

In support of this joint motion, the parties respectfully stipulate and agree that:

1. On October 15, 2015, this Court entered an Order Granting Plaintiff’s Motion for an Award of Attorney Fees and Costs (Dkt # 53), and (on October 16, 2015) an Order Staying Enforcement of Judgment Pending Appeal (Dkt # 54).

2. Pursuant to these Orders, Defendant Pension Plan paid \$100,140.00 in attorney fees incurred by Dresel through July 22, 2015, and \$1944.66 in costs to plaintiff’s counsel, Steven B. Frank. The payment was deposited in Mr. Frank’s trust fund pending the outcome of the appeal by the Plan to the Ninth Circuit.

1 3. The Ninth Circuit’s Memorandum decision (*Dresel v. Pension Plan, et al.*, No.
2 15-35643) was filed on December 18, 2017. In the decision, the Ninth Circuit affirmed this
3 Court’s decision that Dresel was eligible for early retirement under the Plan.

4 4. The Ninth Circuit’s Mandate issued on January 10, 2018, with Judgment to take
5 effect that day.

6 5. The time for requesting reconsideration of the Ninth Circuit’s decision has
7 expired.

8 6. Dresel has filed a motion with the Ninth Circuit for an award of attorney fees
9 incurred on and after July 23, 2015. That motion is pending.

10 7. Because the time for requesting reconsideration or reconsideration *en banc* of
11 the Ninth Circuit’s decision has expired, the parties agree that the Pension Plan’s appeal to the
12 Ninth Circuit is concluded within the meaning of the two Orders described in paragraph 1
13 above.

14 IT IS SO ORDERED this 17th day of January, 2018.

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18 Marsha J. Pechman
19 United States District Judge
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