

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KING COUNTY, a Washington municipal corporation,

Plaintiff,

v.

TRAVELERS INDEMNITY COMPANY, et al.,

Defendants.

Case No. 2:14-cv-01957-BJR

ORDER GRANTING NATIONAL SURETY CORPORATION'S MOTION FOR (1) ORDER APPROVING SETTLEMENT AND BARRING CONTRIBUTION CLAIMS; AND (2) DISMISSAL OF CONTRIBUTION CLAIMS

**Note on Motion Calendar:
Friday, September 6, 2019**

THIS MATTER having come on for consideration before The Honorable Barbara Jacobs Rothstein on National Surety Corporation's ("National Surety") Motion For Order (1) Approving Settlement and Barring Contribution Claims; and (2) Dismissal of Contribution Claims, and the Court having considered:

1. National Surety's Motion For Order (1) Approving Settlement and Barring Contribution Claims; and (2) Dismissal of Contribution Claims;
2. Declaration of Jodi A. McDougall; and

ORDER GRANTING NATIONAL SURETY'S MOTION FOR (1) ORDER APPROVING SETTLEMENT AND BARRING CONTRIBUTION CLAIMS; AND (2) DISMISSAL OF CONTRIBUTION CLAIMS - 1

LAW OFFICES OF
COZEN O'CONNOR
A PROFESSIONAL CORPORATION
999 THIRD AVENUE
SUITE 1900
SEATTLE, WASHINGTON 98104
(206) 340-1000

1 3. NOTICE of Joinder,

2 The Court GRANTS National Surety’s Motion For Order (1) Approving Settlement And
3 Barring Contribution Claims; And (2) Dismissal Of Contribution Claims and APPROVES the
4 Confidential Settlement Agreement and Release (“Settlement Agreement”) between Plaintiff
5 King County and Defendant National Surety. The Court further FINDS and ORDERS:

6 1. The Settlement Agreement between King County and National Surety is
7 reasonable, and was the result of arm’s-length negotiations between parties represented by
8 counsel. The Settlement Agreement is not collusive, inadequate, or entered into for any other
9 improper purpose.

10 2. The non-settling insurers are adequately protected based on, among other things,
11 the terms of the Settlement Agreement, the non-settling insurers’ retention of their coverage
12 defenses, and King County’s representations related to potential setoff for settlement in this case.
13 *See King County v. Travelers Indem. Co.*, 2018 WL 1792189, at *3 (W.D. Wash. Apr. 16, 2018).

14 3. The Court ORDERS that all insurer cross-claims against National Surety in this
15 action are DISMISSED with PREJUDICE. The Court further ORDERS that any other claims
16 for contribution, allocation, subrogation, and equitable indemnity and any other cause of action
17 in connection with this action against National Surety by any other insurers of King County are
18 hereby BARRED.

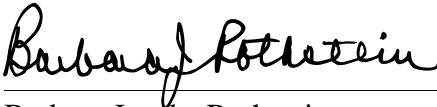
19
20 ///

21 ///

1 4. The Court directs that this Order shall be entered as a final judgment under Federal Rule
2 of Civil Procedure 54(b).

3 IT IS SO ORDERED.

4 DATED this 7th day of October, 2019.

7 

8 Barbara Jacobs Rothstein
9 U.S. District Court Judge

10 Presented by:

11 /s/ Jodi A. McDougall

12 Jodi A. McDougall, WSBA No. 22060
13 Nadia Bugaighis, WSBA No. 45492
14 999 Third Avenue, Suite 1900
15 Seattle, Washington 98104
16 Telephone: 206.340.1000
17 Toll Free Phone: 800.423.1950
18 Facsimile: 206.621.8783
19 Email: jmcDougall@cozen.com
20 nbugaighis@cozen.com

21 Attorneys for Defendant National Surety Corporation

22
23
24
25
26
ORDER GRANTING NATIONAL SURETY'S MOTION FOR
(1) ORDER APPROVING SETTLEMENT AND BARRING
CONTRIBUTION CLAIMS; AND (2) DISMISSAL OF
CONTRIBUTION CLAIMS - 3

LEGAL\42389524\1

LAW OFFICES OF
COZEN O'CONNOR
A PROFESSIONAL CORPORATION
999 THIRD AVENUE
SUITE 1900
SEATTLE, WASHINGTON 98104
(206) 340-1000