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The Honorable Barbara Jacobs Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SNOHOMISH COUNTY,

Plaintiff,

v.

ALLIED WORLD NATIONAL ASSURANCE
COMPANY, ARROWOOD INDEMNITY
COMPANY (f/k/a ROYAL INDEMNITY
COMPANY), BERKLEY NATIONAL
INSURANCE COMPANY, CLARENDON
NATIONAL INSURANCE COMPANY, CRUM
& FORSTER SPECIALTY INSURANCE
COMPANY, ENDURANCE AMERICAN
INSURANCE COMPANY, EVEREST
NATIONAL INSURANCE COMPANY,
FIREMAN'S FUND INSURANCE COMPANY
OF WISCONSIN, THE INSURANCE
COMPANY OF THE STATE OF
PENNSYLVANIA, INSURANCE COMPANY
OF THE WEST, LEXINGTON INSURANCE
COMPANY, NATIONAL CASUALTY
COMPANY, THE PRINCETON EXCESS &
SURPLUS LINES INSURANCE COMPANY
and STARR INDEMNITY & LIABILITY
COMPANY,

Defendants.

NO. 2:16-cv-00063-BJR

STIPULATION AND ORDER OF
DISMISSAL

STIPULATION AND ORDER OF
DISMISSAL - 1
No. 2:16-cv-00063-BJR

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STIPULATION

Snohomish County filed this suit against its insurers, seeking coverage for several underlying lawsuits arising out of the March 2014 Oso Landslide. Specifically, the County was initially named a defendant in the following underlying litigation:

- *Pzonka v. Snohomish Cnty.*, King Cnty. Super. Ct. No. 14-2-18401-8 SEA (filed July 1, 2014);
- *Ward v. Snohomish Cnty.*, King Cnty. Super. Ct. No. 14-2-29255-4 SEA (filed Oct. 24, 2014);
- *Regelbrugge v. Washington*, King Cnty. Super. Ct. No. 15-2-01672-5 SEA (filed Jan. 21, 2015); and
- *Lester v. Snohomish Cnty.*, King Cnty. Super. Ct. No. 15-2-02098-6 SEA (filed Jan. 26, 2015).

("Oso I").

In March 2017, three additional lawsuits were filed against the County arising out of the same circumstances:

- *Bellomo et al. v. Snohomish County et al.*, King Cnty. Super. Ct. No. 17-2-06738-5 SEA (filed March 21, 2017);
- *McPherson et al. v. Snohomish County et al.*, King Cnty. Super. Ct. No. 17-2-06726-1 SEA (filed March 21, 2017); and
- *Hadaway, et al. v. Snohomish County et al.*, King Cnty. Super. Ct. No. 17-2-06751-2 SEA (filed March 21, 2017).

("Oso II").

1 As set forth in the parties' status report dated June 27, 2019 (Dkt. No. 255), the
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3 Washington Supreme Court denied the petitions for review of the Oso I cases, ending those
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5 actions. Additionally, following the Supreme Court's decisions, the remaining parties in the Oso
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7 II cases stipulated to the dismissal of those actions. As a result, the underlying claims for which
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9 the County sought insurance coverage in this action have been fully resolved.

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11 Accordingly, the undersigned parties stipulate and agree that all claims asserted in this
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13 matter related to the County's insurance coverage for the claims that were or could have been
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15 brought by the plaintiffs in Oso I and II have been resolved and may be dismissed with prejudice
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17 and without an award of costs or fees to any party. It is expressly understood and agreed that the
18
19 preclusive effect of this dismissal does not extend beyond the insurance claims for the Oso I and
20
21 Oso II cases.

22
23 DATED this 12th day of September, 2019.

24
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26 **CORDELL, LLP**

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26 **ATTORNEY**

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STIPULATION AND ORDER OF
DISMISSAL - 4
No. 2:16-cv-00063-BJR

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STIPULATION AND ORDER OF
DISMISSAL - 5
No. 2:16-cv-00063-BJR

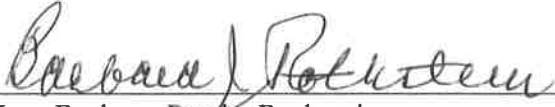
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ORDER

Pursuant to the above stipulation, IT IS HEREBY ORDERED that all claims between Snohomish County and the Defendant Insurers arising from the County's claim for insurance coverage for the Oso I and Oso II litigation are DISMISSED WITH PREJUDICE. Each party shall bear its own costs and fees incurred.

DATED this 12th day of September, 2019.


Hon. Barbara Jacobs Rothstein
United States District Court Judge