

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
30
31

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JOHN R. BUND II, personally, as Executor of the)	NO. 2:16-cv-00920-MJP
Estate of Richard C. Bund, deceased, and)	
CRYSTAL HAYNES, a single woman, and on)	STIPULATED MOTION
behalf of others similarly situated)	REGARDING DISMISSAL OF
,	CONVERSION CLAIMS OF
)	PLAINTIFF JOHN R. BUND II
Plaintiffs,)	
)	NOTE ON MOTION CALENDAR:
vs.)	February 1, 2018
)	
SAFEGUARD PROPERTIES, LLC, a Delaware)	
corporation)	
)	
Defendant.)	

I. STIPULATION

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii) the parties stipulate that the conversion claims of Plaintiff John R. Bund II, personally, as Executor of the Estate of Richard C. Bund, deceased, be dismissed with prejudice from this action.

Fed. R. Civ. P. 41(a)(1)(ii) is subject to the added protections described in Fed. R. Civ. P. 23(e). Fed. R. Civ. P. 41(a)(1)(A). However, pursuant to this Court's Order on Class Certification, the certified class has no claim for conversion. Dkt. # 204 at p. 2 (describing the certified class as limited to individuals who suffered lock changes, and declining to certify

STIPULATED MOTION REGARDING DISMISSAL OF
CONVERSION CLAIM OF PLAINTIFF JOHN BUND II
(2:16-cv-00920-MJP) Page 1 of 5

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.
Attorneys at Law
(509) 662-3685 / FAX (509) 662-2452
2600 Chester Kimm Road / P.O. Box 1688
Wenatchee, WA 98807-1688

1 Plaintiffs' proposed sub-class seeking class-wide recovery for conversion); *see also id.* at p.
2 14. Therefore, the parties agree that the added protections described in Fed. R. Civ. P. 23(e)
3 do not apply to this stipulated dismissal.
4

5 Respectfully submitted this 1st day of February, 2018.

6 JEFFERS, DANIELSON, SONN & AYLWARD, P.S.
7

8 By: s/CLAY M. GATENS

9 Clay M. Gatens, WSBA No. 34102
10 Devon A. Gray, WSBA No. 51485
11 2600 Chester Kimm Road
12 P.O. Box 1688
13 Wenatchee, WA 98807-1688
14 Telephone: 509-662-3685
15 Fax: 509-662-2452
16 Email: ClayG@jdsalaw.com
17 Email: DevonG@jdsalaw.com

18 Respectfully submitted this 1st day of February, 2018.

19 DAUDT LAW PLLC

20 By: s/MICHAEL D. DAUDT

21 Michael D. Daudt, WSBA # 25690
22 2200 Sixth Avenue, Suite 1250
23 Seattle, WA 98121-1820
24 Telephone: (206) 445-7733
25 Email: mike@daudtlaw.com
26 Email: DevonG@jdsalaw.com

27 Attorneys for Plaintiff
28
29
30
31

1 Respectfully submitted this 1st day of February, 2018.

2
3 LEE SMART, P.S., INC.

4 By: s/PAMELA J. DEVET

5 Pamela J. DeVet, WSBA No. 32882

6 Kellan W. Byrne, WSBA No. 49825

7 701 Pike Street, Suite 1800

8 Seattle, WA 98101

9 Telephone: 206-624-7990

10 Email: pjd@leesmart.com

11 Email: kwb@leesmart.com

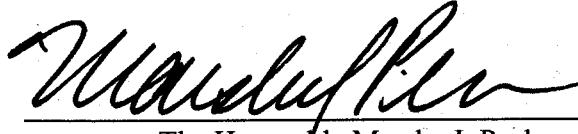
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31 Attorneys for Defendant Safeguard Properties Management,
LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
30
31

II. ORDER OF THE COURT

It is so ordered.

Dated this 6 day of Feb., 2018.



The Honorable Marsha J. Pechman
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System. Notice of this filing will be sent to the parties listed below by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

PAMELA J. DEVET pjd@leesmart.com
KELLAN W. BYRNE kwb@leesmart.com

DATED at Wenatchee, Washington this 1st day of February, 2018.

By: s/CLAY M. GATENS
Clay M. Gatens, WSBA No. 34102
JEFFERS, DANIELSON, SONN & AYLWARD, P.S.
2600 Chester Kimm Road
P.O. Box 1688
Wenatchee, WA 98807-1688
Telephone: 509-662-3685
Fax: 509-662-2452
Email: ClayG@jdsalaw.com
Attorneys for Plaintiff