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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

EMPIRE FIRE AND MARINE INSURANCE)
COMPANY)
)
Plaintiff,)
)
v.)
)
QUEEN WASHINGTON AND JOHN DOE)
WASHINGTON, WIFE AND HUSBAND AND)
THE MARITAL COMMUNITY COMPRISED)
THEREOF; SHAWNIKA LAWRENCE AND JOHN)
DOE LAWRENCE, WIFE AND HUSBAND AND)
THE MARITAL COMMUNITY COMPRISED)
THEREOF; MINDY WISCOMBE AND RUSSELL)
WISCOMBE, WIFE AND HUSBAND AND THE)
MARITAL COMMUNITY COMPRISED)
THEREOF; AND MARK MCCRUM AND)
PAMELA MCCRUM, HUSBAND AND WIFE)
AND THE MARTIAL COMMUNITY)
COMPRISED THEREOF,)
)
Defendants.)

CASE NO. 2:16-cv-01596-RSM

**STIPULATED MOTION AND
ORDER TO STAY
PROCEEDINGS**

I. STIPULATION

1. Pursuant to LCR 10(g) and LCR 7 (d)(1) and this Court’s inherent power to stay proceedings, plaintiff Empire Fire and Marine Insurance Company (“Empire Fire”) and defendants Mindy Wiscombe and Russell Wiscombe and their marital community, and Mark McCrum and Pamela McCrum and their marital community, jointly request that the Court enter an Order staying all activity in this case until November 15, 2017. Empire Fire and the above-named defendants

1 propose that the Court hold a conference to review the status of this action on November 15, 2017,
2 or as soon thereafter as practicable and convenient for the Court.

3 2. Empire Fire has brought this declaratory judgment action against defendants Mindy
4 Wiscombe and Russell Wiscombe, and Mark McCrum and Pamela McCrum who have appeared
5 in this action; and defendants Queen Washington and John Doe Washington and Shawnika
6 Lawrence and John Doe Lawrence, who were served in October 2016, but have not appeared in
7 this action.

8 3. This declaratory judgment action concerns the availability of insurance coverage
9 for alleged bodily injury and other damages sustained by the Wiscombes and the McCrums arising
10 from an automobile accident that occurred on November 30, 2012. The accident is alleged to have
11 been caused by Queen Washington or Shawnika Lawrence.

12 4. Before the accident occurred, Shawnika Lawrence rented a 2012 Mazda 6 from
13 Enterprise. In connection with the rental, Ms. Lawrence purchased Supplemental Liability
14 Protection (“SLP”) coverage, which is an excess liability policy issued by Empire Fire.

15 5. The rental vehicle was involved in the November 30, 2012 accident. The
16 Wiscombes and McCrums allege that the rental vehicle impacted the rear of the vehicle driven by
17 Mr. Wiscombe, causing his vehicle to be pushed into the vehicle occupied by the McCrums. The
18 identity of the driver of the rental car at the time of the accident is in dispute. Was it Ms. Lawrence
19 or Ms. Washington?
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22 6. The McCrums and the Wiscombes sued Ms. Washington and Ms. Lawrence in an
23 underlying tort action in King County Superior Court, Cause No. 15-2-28349-9SEA. Trial in that
24 action is currently scheduled to occur on October 9, 2017.
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1 7. Empire Fire and the appearing defendants seek a stay of this declaratory judgment
2 action pending trial in the underlying tort action. Because coverage under the SLP policy depends
3 on factual issues which will be resolved in the underlying action, staying this declaratory judgment
4 action will avoid duplicative litigation and promote judicial economy.

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6 8. "A district court has inherent power to control the disposition of the causes on its
7 docket in a manner which will promote economy of time and effort for itself, for counsel, and for
8 litigants." *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962); *Lockyer v. Mirant Corp.*, 398
9 F.3d 1098, 1109 (9th Cir. 2005). Here, Empire Fire and the appearing defendants agree that a stay
10 is necessary to avoid duplicative litigation and promote economy of time and effort.

11 **SO STIPULATED** this 13th day of July, 2017.

<p>12 KARR TUTTLE CAMPBELL 13 /s/ 14 Jacquelyn A. Beatty, WSBA #17567 15 Barbara J. Brady, WSBA #20459 16 701 Fifth Avenue, Suite 3300 17 Seattle, WA 98104 18 Tel: 206-223-1313 19 Fax: 206-682-7100 20 Email: jbeatty@karrtuttle.com 21 Email: bbrady@karrtuttle.com 22 Attorneys for Defendant Empire Fire and 23 Marine Insurance Company</p>	<p>OSERAN, HAHN, SPRING, STRAIGHT & WATTS, PS Paul Spencer, WSBA #19511 10900 N.E. 4th St., Suite 1430 Bellevue, WA 98004 Tel: 425-455-3900 Fax: 425-455-9201 pspencer@ohswlaw.com Attorney for Defendants McCrum</p>
<p>20 LAW OFFICE OF SAM ELDER PLLC 21 Samuel J. Elder, Jr. WSBA #26085 22 12716 N.E. 106th Lane 23 Kirkland, WA 98033 24 Tel. 425-999-8170 25 Fax: 425-999-8172 26 sam@samelderlaw.com 27 Attorneys for Defendants Wiscombe</p>	

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2 **ORDER**

3 Pursuant to the above Stipulated Motion, this case is **STAYED**. The parties shall file a
4 Joint Status Report on or before November 15, 2017. The Court will note a Status Conference
5 thereafter if necessary.

6 DATED this 14th day of July 2017.
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10 RICARDO S. MARTINEZ
11 CHIEF UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I, Daena V. Temkova, affirm and state that I am employed by Karr Tuttle Campbell in King County, in the State of Washington. I am over the age of 18 and not a party to the within action. My business address is: 701 Fifth Ave., Suite 3300, Seattle, WA 98104. On this day, I caused to be filed a true and correct copy of the foregoing by using the Court's electronic filing system. I caused the same to be served on the parties listed below in the manner indicated.

Samuel J. Elder, Jr., WSBA #26085	<input type="checkbox"/>	Via U.S. Mail
Law Offices of Sam Elder, PLLC	<input type="checkbox"/>	Via Hand Delivery
12716 N.E. 106 th Lane	<input type="checkbox"/>	Via Electronic Mail
Kirkland, WA 98033	<input type="checkbox"/>	Via Overnight Mail
sam@samelderlaw.com	<input checked="" type="checkbox"/>	CM/ECF via court's website
<i>Attorneys for Plaintiffs Mindy Wiscombe and Russell Wiscombe</i>		

Paul Spencer, WSBA #19511	<input type="checkbox"/>	Via U.S. Mail
Osaren Hahn, P.S.	<input type="checkbox"/>	Via Hand Delivery
10900 N.E. 4 th St., Ste. 1430	<input type="checkbox"/>	Via Electronic Mail
Bellevue, WA 98004	<input type="checkbox"/>	Via Overnight Mail
pspencer@ohswlaw.com	<input checked="" type="checkbox"/>	CM/ECF via court's website
<i>Attorneys for Plaintiffs Mark McCrum and Pamela McCrum</i>		

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, to the best of my knowledge. Executed on this 13th day of July, 2017, at Seattle, Washington.

s/Daena Temkova
Daena V. Temkova
Assistant to Jacquelyn A. Beatty
and Barbara J. Brady