

The Honorable James L. Robart

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EARL BEARD and ALEXIS LOPEZ, CRAIG  
BAHAM, and ROBERT VAN HORN,

Plaintiffs,

v.

ECOLAB, INC.,

Defendant.

Case No. 2:17-cv-00663-JLR

**STIPULATION AND ~~PROPOSED~~  
ORDER RE: SETTLEMENT OF  
ATTORNEYS' FEES AND EFFECT  
OF JUDGMENT UNDER  
DEFENDANT'S OFFER OF  
JUDGMENT TO PLAINTIFFS  
BEARD AND LOPEZ**

**WHEREAS** on June 20, 2017, Defendant Ecolab Inc. ("Defendant") served Defendant's Offer of Judgment Pursuant to Fed. R. Civ. P. 68 to Plaintiffs Beard and Lopez (Docket No. 23);

**WHEREAS** on July 18, 2017, Defendant filed Plaintiffs' Notice of Acceptance of Defendant's Offer of Judgment dated July 5, 2017 (Docket No. 24);

**WHEREAS** on July 25, 2017, the Court entered an order dismissing Plaintiffs Beard and Lopez's claims with prejudice pursuant to the Offer of Judgment and Notice of Acceptance (Docket No. 25);

**WHEREAS** the Offer of Judgment includes "an award of reasonable attorneys' fees accrued as of the date of service of this Offer of Judgment," and the parties have agreed upon the amount to be paid as "reasonable attorneys' fees" under the Offer of Judgment;

**STIPULATION AND ~~PROPOSED~~ ORDER RE: SETTLEMENT  
OF ATTORNEYS' FEES AND EFFECT OF JUDGMENT - 1**  
Case No. 2:17-cv-00663-JLR

LITTLER MENDELSON, P.C.  
One Union Square  
600 University Street, Suite 3200  
Seattle, WA 98101.3122  
206.623.3300

1           **IT IS HEREBY STIPULATED AND AGREED** between the parties, through their  
2 counsel of record, that “reasonable attorneys’ fees” in the amount of \$12,500.00 shall be paid  
3 within 30 days of this stipulation in settlement of the “reasonable attorneys’ fees” portion of the  
4 Offer of Judgment in full payment of work performed and costs accrued on behalf of Plaintiffs  
5 Beard and Lopez.

6           **IT IS FURTHER STIPULATED AND AGREED** that within ten (10) days of the  
7 parties’ filing of this Stipulation, Plaintiffs Beard and Lopez will withdraw their consents to sue  
8 in *Charlot et al. v. Ecolab, Inc.* 2:12-cv-04543-KAM-VMS (E.D.N.Y.). In addition, Plaintiff  
9 Beard will withdraw his charge with the Washington State Department of Labor & Industries  
10 (Complaint No. 82616) upon receipt of payment.

11           **IT IS SO STIPULATED.**

1 Dated: August 30, 2017

/s/ Michael J.D. Sweeney  
Michael J.D. Sweeney (*Pro Hac Vice*)  
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/s/ Michael C. Subit  
Michael C. Subit, WSBA #29189  
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705 Second Avenue, Suite 1200  
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Phone: 206-682-6711

ATTORNEYS FOR PLAINTIFFS

13  
14 Dated: August 30, 2017

s/ Shirley Lerner  
Shirley Lerner (#0151245), *Pro Hac Vice*  
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s/ Breanne Sheetz Martell  
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ATTORNEYS FOR DEFENDANT

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STIPULATION AND ~~PROPOSED~~ ORDER RE: SETTLEMENT  
OF ATTORNEYS' FEES AND EFFECT OF JUDGMENT - 3  
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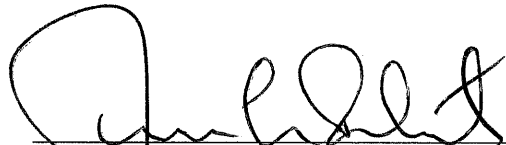
**ORDER**

The Court, having considered the parties' Stipulation re: Settlement of Attorneys' Fees and Effect of Judgment under Defendant's Offer of Judgment to Plaintiffs Beard and Lopez ("Stipulation"), hereby orders as follows:

IT IS HEREBY ORDERED that "reasonable attorneys' fees" in the amount of \$12,500.00 shall be paid in settlement of the "reasonable attorneys' fees" portion of the Offer of Judgment in full payment of work performed and costs accrued on behalf of Plaintiffs Beard and Lopez.

IT IS FURTHER ORDERED that Plaintiffs Beard and Lopez will withdraw any consents to sue and administrative charges as detailed in the parties' Stipulation.

DATED: 30 August 2017

  
The Honorable James L. Robart  
U.S. District Judge

**CERTIFICATE OF SERVICE**

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. On August 30, 2017, I

**ELECTRONICALLY FILED** the foregoing document(s) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

<p>Michael C. Subit, WSBA #29189  <u><a href="mailto:msubit@frankfreed.com">msubit@frankfreed.com</a></u>  <b>FRANK FREED SUBIT &amp; THOMAS</b>  Hoge Building  705 Second Avenue, Suite 1200  Seattle, WA 98104-1729  Phone: 206-682-6711</p> <p><i>Attorneys for Plaintiffs</i></p>	<p>Michael J.D. Sweeney  <i>Pro Hac Vice</i>  <u><a href="mailto:msweeney@getmansweeney.com">msweeney@getmansweeney.com</a></u>  Artemio Guerra  <i>Pro Hac Vice</i>  <u><a href="mailto:aguerra@getmansweeney.com">aguerra@getmansweeney.com</a></u>  <b>GETMAN SWEENEY &amp; DUNN PLLC</b>  260 Fair Street  Kingston, New York 12401  Phone: 845-255-9370  Fax: 845-255-8749</p> <p><i>Attorneys for Plaintiffs</i></p>
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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 30, 2017, at Seattle, Washington.

*s/ Sally Swearinger*  
\_\_\_\_\_  
Sally Swearinger  
[sswearinger@littler.com](mailto:sswearinger@littler.com)  
**LITTLER MENDELSON, P.C.**

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