

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

2FL ENTERPRISES, LLC, a Washington
limited liability company,

Plaintiff,

vs.

HOUSTON SPECIALTY INSURANCE
COMPANY, a foreign insurance company,

Defendant.

No. 2:17-cv-00676-MJP

STIPULATED MOTION AND ORDER TO
STAY PROCEEDING PENDING THE
RESOLUTION OF THE UNDERLYING
MATTER

**NOTE ON MOTION CALENDAR:
March 7, 2018**

STIPULATED MOTION

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, 2FL Enterprises, LLC, (“2FL”) Plaintiff, by and through its attorneys Gregory L. Harper and Charles K. Davis of Harper Hayes, PLLC and Defendant Houston Specialty Insurance Company (“HSIC”), by and through its attorneys, Gregory S. Worden and Sarah Demaree Macklin of Lewis Brisbois Bisgaard and Smith LLP, to stay proceedings in this matter, including discovery and all matters set forth in the Scheduling Orders (ECF 13, 25) including trial pending a resolution of the underlying lawsuit: *MCS Investments, LLC v. 2FL Enterprises, LLC*, King County Superior Court Case No. 16-2-09143-1 SEA.

This case is an insurance coverage dispute arising out of the underlying lawsuit against 2FL: The trial date in the underlying lawsuit was recently continued until November 5, 2018. This case is currently set to begin trial on August 6, 2018. The proceedings in this case arise out of and are related to the proceeding in the underlying case, and the outcome of that case may impact this

1 case.

2 No party will be prejudiced by the proposed stay. Further, it is likely without a stay the
3 cost and expenses to each party will unnecessarily increase and judicial resources be wasted.
4 Finally, the resolution of the underlying matter may simplify matters before this court and or limit
5 the issues before this court.

6 For these reasons, the parties respectfully request that the Court grant the stipulated motion
7 and stay this case for purposes of discovery and trial. The parties further request that the clerk issue
8 a new scheduling order to be entered after the resolution of the underlying matter including all
9 deadlines from expert disclosure forward.

10 The parties agree to provide a status report to the Court regarding the underlying lawsuit
11 and issues relevant to the stay of this lawsuit no later than September 7, 2018.

12 DATED: March 7, 2018

14 LEWIS BRISBOIS BISGAARD & SMITH LLP HARPER | HAYES PLLC

15 By: s/Gregory S. Worden

By: s/ Gregory L. Harper

16 By: s/Sarah D. Macklin

By: s/ Charles K. Davis

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2 **II. ORDER**

3 Based on the above stipulation, IT IS ORDERED:

4 This matter is stayed pending a resolution in *MCS Investments, LLC v. 2FL Enterprises,*
5 *LLC*, King County Superior Court Case No. 16-2-09143-1 SEA. The parties shall provide a status
6 report to the Court regarding the underlying lawsuit and issues relevant to the stay of this lawsuit
7 no later than September 7, 2018, and every 60 days thereafter. The parties to this case shall
8 promptly inform the Court upon learning of the resolution of the King County Superior court case.
9 Any party may seek to lift or modify the stay if changed circumstances warrant lifting or modifying
10 the stay. Upon lifting the stay, the clerk will issue a new scheduling order for this matter
11 scheduling from expert disclosure forward.

12 DATED: ___March 8, 2018___

13
14 

15 Marsha J. Pechman
16 United States District Judge

17 Presented by

18 LEWIS BRISBOIS BISGAARD & SMITH LLP

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