

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

THE AMERICAN BOTTLING COMPANY,  
a Delaware corporation, d/b/a Seven-Up  
Bottling Co. of San Francisco,

Defendant.

NO. C18-00536- RSL

STIPULATION AND ORDER FOR  
DISMISSAL WITH PREJUDICE

THE PARTIES above named, through their attorneys Russell J. Reid of Reid, McCarthy, Ballew & Leahy, L.L.P., attorneys for Plaintiff, and Russell S. Buhite of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., attorneys for Defendant, The American Bottling Company, d/b/a Seven-Up Bottling Co. of San Francisco, hereby stipulate that the above-referenced action should be dismissed, with prejudice, and with each party bearing its own attorneys' fees and costs. This Stipulation shall not foreclose Plaintiff or the Trust, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorneys' fees for the time period encompassed by this action, January 2018 through March 2018, if a future audit or some other source reveals that

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Defendant owes the Plaintiff additional amounts for said period, or from collecting contributions, liquidated damages, interest, attorney's fees and costs for any period other than January 2018 through March 2018.

DATED this 8th day of November, 2018.

REID, McCARTHY, BALLEW &  
LEAHY, L.L.P.

/s/Russell J. Reid  
Russell J. Reid, WSBA #2560  
Attorney for Plaintiff

OGLEGREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

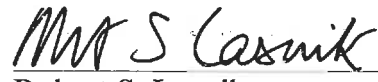
/s/Russell S. Buhite  
Russell S. Buhite, WSBA #41257  
Attorney for Defendant

#### **ORDER OF DISMISSAL**

Based on the foregoing Stipulation of Plaintiff and Defendant,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this action shall be and is hereby dismissed with prejudice and that each party shall bear its own attorneys' fees and costs of suit. This Order shall not foreclose Plaintiff or the Trust, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorneys' fees for the time period encompassed by this action, January 2018 through March 2018, if a future audit or some other source reveals that Defendant owes the Plaintiff additional amounts for said period, or from collecting contributions, liquidated damages, interest, attorney's fees and costs for any period other than January 2018 through March 2018.

Dated this 13<sup>th</sup> day of November, 2018.

  
Robert S. Lasnik  
United States District Judge

Submitted for Entry:

REID, McCARTHY, BALLEW &  
LEAHY, L.L.P.

By /s/Russell J. Reid  
Russell J. Reid, WSBA #2560  
Attorneys for Plaintiff