

THE HONORABLE RICARDO S. MARTINEZ

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


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CITY OF ISSAQUAH, a municipal corporation,  
  
Plaintiff,  
  
vs.  
  
ORA TALUS 90, LLC, a Delaware limited liability company; and RESMARK EQUITY PARTNERS, LLC, a Delaware limited liability company,  
  
Defendants.

No. 18-cv-00910-RSM  
  
JOINT MOTION AND ORDER TO CONTINUE DEPOSITION OF KEITH CLINE PAST DISCOVERY DEADLINE  
  
**SAME DAY STIPULATED MOTION:  
June 15, 2021**

ORA TALUS 90, LLC, a Delaware limited liability company; and RESMARK EQUITY PARTNERS, LLC, a Delaware limited liability company,  
  
Third-Party Plaintiffs,  
  
vs.  
  
TERRA TALUS LLC, a Washington limited liability company; ELEMENT RESIDENTIAL

JOINT MOTION AND ORDER TO CONTINUE DEPOSITION OF KEITH CLINE PAST DISCOVERY DEADLINE (Cause No. 18-cv-00910-RSM) – 1  
bp/SLE6704.050/3903477

 WILSON SMITH COCHRAN DICKERSON 901 FIFTH AVENUE, SUITE 1700 SEATTLE, WASHINGTON 98164 TELEPHONE: (206) 623-4100 FAX: (206) 623-9273

1 INC., a Washington corporation; JOSHUA  
2 FREED, an individual; J.R. HAYES & SONS,  
3 INC., a Washington corporation; and TERRA  
4 ASSOCIATES, INC., a Washington  
5 corporation, TALUS MANAGEMENT  
6 SERVICES LLC, a Washington limited  
7 liability company; and TALUS 7 & 8, LLC, a  
8 Washington limited liability company,

9 Third-Party Defendants.

10 TALUS 7 & 8 INVESTMENT, LLC, a  
11 Washington limited liability company; J.R.  
12 HAYES & SONS, INC., a Washington  
13 corporation,

14 Third-Party Plaintiffs,

15 vs.

16 KULCHIN FOUNDATION DRILLING  
17 COMPANY, a Washington corporation, and  
18 BIG MOUNTAIN ENTERPRISE LLC, a  
19 Washington limited liability company,

20 Third-Party Defendants.

### 21 STIPULATED MOTION

22 COME NOW the above-captioned parties by and through their undersigned attorneys  
23 and stipulate to continue the deposition of City of Issaquah expert witness Keith Cline for one  
24 additional hour. During the course of Mr. Cline’s May 27, 2021 deposition, eight pages of notes  
25 regarding his company’s examination of evidence in this case were produced to the parties.  
26 Since other parties did not have time to review these notes and confer with their experts  
regarding the notes before Mr. Cline’s deposition, the City of Issaquah agreed to allow for such  
review and for Mr. Cline’s deposition to be continued to a later date to permit questioning on  
the content of the examination notes only. The deadline for expert depositions expired on May



1 28, 2021. Accordingly, the parties request the deadline be extended to allow for one additional  
2 hour of deposition time with Mr. Cline on a date and time mutually convenient to all parties.

3 IT IS SO STIPULATED.

4 Dated this 10<sup>th</sup> day of June, 2021.

5 WILSON SMITH COCHRAN  
6 DICKERSON

7 By: s/Whitney L.C. Smith  
8 By: s/Brian Buron  
9 Whitney L.C. Smith, WSBA No. 21159  
10 Brian Buron, WSBA No. 27206  
11 WILSON SMITH COCHRAN  
12 DICKERSON  
13 901 Fifth Avenue, Suite 1700  
14 Seattle, WA 98164-2050  
15 Telephone: (206) 623-4100  
16 Facsimile: (206) 623-9273  
17 Email: smithw@wscd.com  
18 Email: buron@wscd.com  
19 *Attorneys for Third Party Defendant Terra*  
20 *Talus LLC*

21 Dated this 7<sup>th</sup> day of June, 2021.

22 KEATING, BUCKLIN & MCCORMACK,  
23 INC., P.S.

24 By: Michael C. Walter  
25 By: Jeremy W. Culumber  
26 Michael C. Walter, WSBA #15044  
Jeremy W. Culumber, WSBA #35423  
801 Second Avenue, Suite 1210  
Seattle, WA 98104  
Telephone: 206-623-8861  
Email: mwalter@kbmlawyers.com  
Email: jculumber@kbmlawyers.com  
*Attorneys for the City of Issaquah*

Dated this 10<sup>th</sup> day of June, 2021.

CAIRNCROSS & HEMPELMANN, P.S.

By: s/Terence J. Scanlan  
By: s/Patricia A. Laughman  
Terence J. Scanlan, WSBA #19498  
Patricia A. Laughman, WSBA # 46716  
524 Second Avenue, Suite 500  
Seattle, WA 98104-2323  
Telephone: 206-623-6501  
Facsimile: 206-447-1973  
Email: tscanlan@cairncross.com  
Email: plaughman@cairncross.com  
*Attorneys for the City of Issaquah*

Dated this 7<sup>th</sup> day of June, 2021.

BROWN WHITE & OSBORN LLP

By: s/Cynthia M. Cohen  
Cynthia M. Cohen, Admitted Pro Hac Vice  
333 S. Hope Street, Suite 4000 Los Angeles,  
CA 90071  
Telephone: 213.613.0500  
Facsimile: 213.613.0550  
E-Mail: ccohen@brownwhitelaw.com  
*Attorneys for ORA Talus 90, LLC and*  
*Resmark Equity Partners, LLC*

1 Dated this 10<sup>th</sup> day of June, 2021.

2 HARRIGAN LEYH FARMER &  
3 THOMSEN LLP

4 By: s/Tyler L. Farmer  
Tyler L. Farmer, WSBA #39912  
5 999 Third Avenue, Suite 4400  
6 Seattle, WA 98104  
7 Telephone: (206) 623-1700  
8 Facsimile: (206) 623-8717  
Email: tylerf@harriganleyh.com  
9 *Attorneys for ORA Talus 90, LLC and  
Resmark Partners, LLC*

10 Dated this 15<sup>th</sup> day of June, 2021.

11 STOEL RIVES LLP

12 By: s/Patrick Mullaney  
Patrick Mullaney, WSBA #21982  
13 600 University Street, Suite 3600 Seattle,  
14 WA 98101  
15 Telephone: (206) 624.0900  
16 Facsimile: (206) 386.7500  
17 Email: Patrick.mullaney@stoel.com  
*Attorneys for J.R. Hayes & Sons, Inc., Talus  
7 & 8, LLC, and Talus Management  
Services, LLC*

18 Dated this 7<sup>th</sup> day of June, 2021.

19 WILLIAMS, KASTNER & GIBBS PLLC

20 By: s/Erin Varriano  
Erin Varriano, WSBA # 40572  
21 601 Union Street, Suite 4100  
22 Seattle, WA 98101-2380  
23 Telephone: 206-628-6600  
24 Email: evarriano@williamskastner.com  
*Attorneys for Element Residential, Inc.  
Terra Talus, LLC and Joshua Freed*

25  
26 Dated this 8<sup>th</sup> day of June, 2021.

Dated this 10<sup>th</sup> day of June, 2021.

FOSTER GARVEY PC

By: s/Jack P. Zahner  
Jack P. Zahner, WSBA #24505  
1111 Third Avenue, Suite 3000  
Seattle, WA 98101  
Telephone: 206-689-8500  
Email: jack.zahner@foster.com  
*Attorneys for J.R. Hayes & Sons, Inc., Talus  
7 & 8, LLC, and Talus Management  
Services, LLC*

Dated this 8<sup>th</sup> day of June, 2021.

PREG O'DONNELL & GILLET PLLC

By: s/John K. Butler  
John K. Butler, WSBA #28528  
901 5th Avenue, Suite 3400  
Seattle WA 98164  
Telephone: 206-287-1775  
Email: jbutler@pregodonnell.com  
*Attorneys for J.R. Hayes & Sons, Inc.*

Dated this 10<sup>th</sup> day of June, 2021.

CLEMENT & DROTZ, PLLC

By: s/W. Scott Clement  
W. Scott Clement, WSBA #16243  
100 W. Harrison Street, Suite N350  
Seattle, WA 98119  
Telephone: 206-448-2565  
Facsimile: 206-448-2235  
Email: sclement@clementdrotz.com  
*Attorneys for Joshua Freed*

Dated this 10<sup>th</sup> day of June, 2021.

1  
2 FORSBERG & UMLAUF, P.S.

3 By: A. Grant Lingg  
4 A. Grant Lingg, WSBA #24227  
5 901 Fifth Avenue, Suite 1400  
6 Seattle, WA 98164  
7 Telephone: 206-689-8500  
8 Email: glingg@foum.law  
9 *Attorneys for Terra Associates, Inc.*

OLES MORRISON RINKER & BAKER  
LLP

By: s/Bradley L. Powell  
Bradley L. Powell, WSBA #11158  
701 Pike Street, Suite 1700  
Seattle, WA 98101  
Telephone: 206-623-3427  
Email: powell@oles.com  
*Attorneys for Kulchin Foundation Drilling  
Company*

8  
9 Dated this 7<sup>th</sup> day of June, 2021.

10 FLOYD PFLUEGER & RINGER, P.S.

11 By: s/Douglas K. Weigel  
12 Douglas K. Weigel, WSBA #27192  
13 200 W. Thomas Street, Suite 500  
14 Seattle, WA 98119  
15 Telephone: 206-441-4455  
16 Email: dweigel@floyd-ringer.com  
17 *Attorneys for Big Mountain Enterprises*

18  
19  
20  
21  
22  
23  
24  
25  
26  
**ORDER**

PURSUANT TO THE STIPULATED MOTION, IT IS SO ORDERED. The deadline for expert witness discovery is extended to allow for one additional hour of deposition time with expert Keith Cline on a date and time mutually convenient to all parties.

DATED this 16<sup>th</sup> day of June, 2021.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

1 Presented by:

2  
3 Dated this 10<sup>th</sup> day of June, 2021.

4 WILSON SMITH COCHRAN  
5 DICKERSON

6 By: s/Whitney L.C. Smith  
7 By: s/Brian Buron

8 Whitney L.C. Smith, WSBA No. 21159  
9 Brian Buron, WSBA No. 27206  
10 WILSON SMITH COCHRAN  
11 DICKERSON  
12 901 Fifth Avenue, Suite 1700  
13 Seattle, WA 98164-2050  
14 Telephone: (206) 623-4100  
15 Facsimile: (206) 623-9273  
16 Email: smithw@wscd.com  
17 Email: buron@wscd.com  
18 *Attorneys for Third Party Defendant Terra  
19 Talus LLC*

20 Dated this 7<sup>th</sup> day of June, 2021.

21 KEATING, BUCKLIN & MCCORMACK,  
22 INC., P.S.

23 By: Michael C. Walter  
24 By: Jeremy W. Culumber

25 Michael C. Walter, WSBA #15044  
26 Jeremy W. Culumber, WSBA #35423  
801 Second Avenue, Suite 1210  
Seattle, WA 98104  
Telephone: 206-623-8861  
Email: mwalter@kbmlawyers.com  
Email: jculumber@kbmlawyers.com  
*Attorneys for the City of Issaquah*

Dated this 10<sup>th</sup> day of June, 2021.

CAIRNCROSS & HEMPELMANN, P.S.

By: s/Terence J. Scanlan

By: s/Patricia A. Laughman

Terence J. Scanlan, WSBA #19498  
Patricia A. Laughman, WSBA # 46716  
524 Second Avenue, Suite 500  
Seattle, WA 98104-2323  
Telephone: 206-623-6501  
Facsimile: 206-447-1973  
Email: tscanlan@cairncross.com  
Email: plaughman@cairncross.com  
*Attorneys for the City of Issaquah*

Dated this 7<sup>th</sup> day of June, 2021.

BROWN WHITE & OSBORN LLP

By: s/Cynthia M. Cohen

Cynthia M. Cohen, Admitted Pro Hac Vice  
333 S. Hope Street, Suite 4000 Los Angeles,  
CA 90071  
Telephone: 213.613.0500  
Facsimile: 213.613.0550  
E-Mail: ccohen@brownwhitelaw.com  
*Attorneys for ORA Talus 90, LLC and  
Resmark Equity Partners, LLC*

1 Dated this 10<sup>th</sup> day of June, 2021.

2 HARRIGAN LEYH FARMER &  
3 THOMSEN LLP

4 By: s/Tyler L. Farmer

5 Tyler L. Farmer, WSBA #39912  
6 999 Third Avenue, Suite 4400  
7 Seattle, WA 98104  
8 Telephone: (206) 623-1700  
9 Facsimile: (206) 623-8717  
10 Email: tylerf@harriganleyh.com  
11 *Attorneys for ORA Talus 90, LLC and  
12 Resmark Partners, LLC*

9 Dated this 15<sup>th</sup> day of June, 2021.

10 STOEL RIVES LLP

11 By: s/Patrick Mullaney

12 Patrick Mullaney, WSBA #21982  
13 600 University Street, Suite 3600 Seattle,  
14 WA 98101  
15 Telephone: (206) 624.0900  
16 Facsimile: (206) 386.7500  
17 Email: Patrick.mullaney@stoel.com  
18 *Attorneys for J.R. Hayes & Sons, Inc., Talus  
19 7 & 8, LLC, and Talus Management  
20 Services, LLC*

17 Dated this 7<sup>th</sup> day of June, 2021.

18 WILLIAMS, KASTNER & GIBBS PLLC

19 By: s/Erin Varriano

20 Erin Varriano, WSBA # 40572  
21 601 Union Street, Suite 4100  
22 Seattle, WA 98101-2380  
23 Telephone: 206-628-6600  
24 Email: evarriano@williamskastner.com  
25 *Attorneys for Element Residential, Inc.  
26 Terra Talus, LLC and Joshua Freed*

Dated this 8<sup>th</sup> day of June, 2021.

Dated this 10<sup>th</sup> day of June, 2021.

FOSTER GARVEY PC

By: s/Jack P. Zahner

Jack P. Zahner, WSBA #24505  
1111 Third Avenue, Suite 3000  
Seattle, WA 98101  
Telephone: 206-689-8500  
Email: jack.zahner@foster.com  
*Attorneys for J.R. Hayes & Sons, Inc., Talus  
7 & 8, LLC, and Talus Management  
Services, LLC*

Dated this 8<sup>th</sup> day of June, 2021.

PREG O'DONNELL & GILLETT PLLC

By: s/John K. Butler

John K. Butler, WSBA #28528  
901 5th Avenue, Suite 3400  
Seattle WA 98164  
Telephone: 206-287-1775  
Email: jbutler@pregodonnell.com  
*Attorneys for J.R. Hayes & Sons, Inc.*

Dated this 10<sup>th</sup> day of June, 2021.

CLEMENT & DROTZ, PLLC

By: s/W. Scott Clement

W. Scott Clement, WSBA #16243  
100 W. Harrison Street, Suite N350  
Seattle, WA 98119  
Telephone: 206-448-2565  
Facsimile: 206-448-2235  
Email: sclement@clementdrotz.com  
*Attorneys for Joshua Freed*

Dated this 10<sup>th</sup> day of June, 2021.

1  
2 FORSBERG & UMLAUF, P.S.

3 By: A. Grant Lingg  
4 A. Grant Lingg, WSBA #24227  
5 901 Fifth Avenue, Suite 1400  
6 Seattle, WA 98164  
7 Telephone: 206-689-8500  
8 Email: glingg@foum.law  
9 *Attorneys for Terra Associates, Inc.*

OLES MORRISON RINKER & BAKER  
LLP

By: s/Bradley L. Powell  
Bradley L. Powell, WSBA #11158  
701 Pike Street, Suite 1700  
Seattle, WA 98101  
Telephone: 206-623-3427  
Email: powell@oles.com  
*Attorneys for Kulchin Foundation Drilling  
Company*

8 Dated this 7<sup>th</sup> day of June, 2021.

9  
10 FLOYD PFLUEGER & RINGER, P.S.

11 By: s/Douglas K. Weigel  
12 Douglas K. Weigel, WSBA #27192  
13 200 W. Thomas Street, Suite 500  
14 Seattle, WA 98119  
15 Telephone: 206-441-4455  
16 Email: dweigel@floyd-ringer.com  
17 *Attorneys for Big Mountain Enterprises*



1 **CERTIFICATE OF SERVICE**

2 The undersigned certifies that under penalty of perjury under the laws of the State of  
3 Washington that on the below date I caused to be served the foregoing document on:

4 **Attorney for Plaintiff**

5 Terence J. Scanlan  
6 Patricia A. Laughman  
7 Cairncross & Hempelmann, P.S.  
8 524 Second Avenue, Suite 500  
9 Seattle, WA 98104-2323  
10 ( ) Via U.S. Mail  
11 ( ) Via Facsimile: 206-587-2308  
12 ( ) Via Hand Delivery  
13 (X) Via CM/ECF  
14 ( ) Via Email

**Attorney for Plaintiff**

Michael Charles Walter  
Jeremy W. Culumber  
Keating Bucklin McCormack, Inc., P.S.  
801 Second Avenue, Suite 1210  
Seattle, WA 98104-1518  
( ) Via U.S. Mail  
( ) Via Facsimile: 206-223-9423  
( ) Via Hand Delivery  
(X) Via CM/ECF  
( ) Via Email

10 **Attorneys for Defendants/Third Party**  
11 **Plaintiffs ORA Talus 90, LLC and**  
12 **Resmark Equity Partners, LLC**

13 Arthur W. Harrigan, Jr.  
14 Tyler L. Farmer  
15 HARRIGAN LEYH FARMER &  
16 THOMSEN  
17 999 Third Avenue, Suite 4400  
18 Seattle, WA 98104  
19 ( ) Via U.S. Mail  
20 ( ) Via Facsimile: 206-623-8717  
21 ( ) Via Hand Delivery  
22 (X) Via CM/ECF  
23 ( ) Via Email

**Attorneys for Defendants/Third Party**  
**Plaintiffs ORA Talus 90, LLC and**  
**Resmark Equity Partners, LLC**

Cynthia M. Cohen  
BROWN WHITE & OSBORN LLP  
333 S. Hope Street, Suite 4000  
Los Angeles, CA 90071  
( ) Via U.S. Mail  
( ) Via Facsimile: 213.613.0550  
( ) Via Hand Delivery  
(X) Via CM/ECF  
( ) Via Email

18 **Attorney for Third Party Defendant**  
19 **Kulchin Foundation Drilling Company**

20 Bradley L. Powell  
21 Ryan M. Gilchrist  
22 Oles Morrison Rinker & Baker  
23 701 Pike Street, Suite #1700  
24 Seattle, WA 98101-3930  
25 ( ) Via U.S. Mail  
26 ( ) Via Facsimile: 206-682-6234  
( ) Via Hand Delivery  
(X) Via CM/ECF  
( ) Via Email

**Attorney for Third Party**  
**Defendants/Third Party Plaintiffs J.R.**  
**Hayes & Sons, Inc. and Talus Management**  
**Services and Talus 7 & 8 LLC**

John P. Zahner  
FOSTER GARVEY P.C.  
1111 Third Avenue, Suite 3400  
Seattle, Wa 98101-3299  
( ) Via U.S. Mail  
( ) Via Facsimile: 206-447-9700  
( ) Via Hand Delivery  
(X) Via CM/ECF  
( ) Via Email

1 **Attorney for Third Party**  
2 **Defendant/Fourth Party Plaintiff J.R.**

3 **Hayes & Sons, Inc.**

4 Stephanie B. Ballard  
5 John K. Butler  
6 Preg O'Donnell & Gillett, PLLC  
7 901 Fifth Avenue, Suite 3400  
8 Seattle, WA 98164  
9 ( ) Via U.S. Mail  
10 ( ) Via Facsimile: 206-287-9113  
11 ( ) Via Hand Delivery  
12 (X) Via CM/ECF  
13 ( ) Via Email

**Attorney for Third Party Defendant**  
**Joshua Freed**

W. Scott Clement  
Travis B. Colburn  
Clement & Drotz PLLC  
100 West Harrison Street, Suite N350  
Seattle, WA 98119-4116  
( ) Via U.S. Mail  
( ) Via Facsimile: 206-448-2235  
( ) Via Hand Delivery  
(X) Via CM/ECF  
( ) Via Email

8 **Attorney for Third Party Defendant Terra**  
9 **Associates Inc.**

10 Peter Nierman  
11 A. Grant Lingg  
12 Forsberg & Umlauf PS  
13 901 Fifth Avenue, Suite 1400  
14 Seattle, WA 98164-2050  
15 ( ) Via U.S. Mail  
16 ( ) Via Facsimile: 206-689-8501  
17 ( ) Via Hand Delivery  
18 (X) Via CM/ECF  
19 ( ) Via Email

**Attorney for Third Party Defendant Big**  
**Mountain Enterprises, LLC**

Amanda D. Daylong  
Douglas Weigel  
Floyd, Pflueger & Ringer, P.S.  
200 West Thomas Street, Suite 500  
Seattle, WA 98119  
( ) Via U.S. Mail  
( ) Via Facsimile: 206-441-8484  
( ) Via Hand Delivery  
(X) Via CM/ECF  
( ) Via Email

15 **Attorney for Third Party Defendants**  
16 **Terra Talus LLC, Element Residential,**  
17 **Inc. and Joshua Freed**

18 Erin Varriano  
19 Christine J. Lee  
20 WILLIAMS KASTNER & GIBBS  
21 601 Union Street, Suite 4100  
22 Seattle, WA 98101  
23 ( ) Via U.S. Mail  
24 ( ) Via Facsimile: 206-628-6611  
25 ( ) Via Hand Delivery  
26 (X) Via CM/ECF  
( ) Via Email

SIGNED this 15<sup>th</sup> day of June, 2021, at Seattle, Washington.

*s/Becky Phares*

Becky Phares