

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 CITY OF ISSAQUAH,  
9 Plaintiff,

v.

10 ORA TALUS 90, LLC, et al.  
11 Defendants.

12 AND RELATED COUNTERCLAIMS,  
13 CROSS-CLAIMS AND THIRD PARTY  
CLAIMS

Case No.: C18-910 RSM

**JOINT RESPONSE TO ORDER TO  
SHOW CAUSE, STIPULATED MOTION,  
AND ORDER VACATING DEADLINE  
TO FILE A JOINT STATUS REPORT  
AND DISCOVERY PLAN**

14 The parties had intended to file this stipulated motion and proposed order prior to  
15 receiving the Court's order to show cause (Dkt. # 71) and regret not doing so sooner.

16 In response to that order, and pursuant to LCR 16(a) and (d), the parties hereby notify the  
17 Court that they have concluded that an ADR procedure would have a significant possibility of  
18 fostering an early and efficient resolution of the case. This is why the parties have not yet  
19 submitted a joint status report and discovery plan. The parties have been working to determine  
20 the timing of that process and will submit a further stipulated motion and proposed order if they  
21 reach agreement or a joint status report if they do not. In order to allow the parties to focus their  
22 efforts on ADR, the parties respectfully request that the Court vacate the January 3, 2019,  
23 deadline to file a Joint Status Report and Discovery Plan.  
24

25 DATED this 8th day of February, 2019.

RESPONSE TO ORDER TO SHOW CAUSE, STIPULATED  
MOTION, AND ORDER VACATING DEADLINE - 1  
(Case No.: 18-cv-00910 RSM)

LAW OFFICES  
HARRIGAN LEYH FARMER & THOMSEN LLP  
999 THIRD AVENUE, SUITE 4400  
SEATTLE, WASHINGTON 98104  
TEL (206) 623-1700 FAX (206) 623-8717

1 SKELLENGER BENDER, P.S.

SAMINI COHEN SPANOS LLP

2 By: s/Terence J. Scanlan

By: s/ Cynthia M. Cohen

3 By: s/Patricia A. Laughman

Cynthia M. Cohen, Admitted Pro Hac Vice

4 Terence J. Scanlan, WSBA #19498

333 S. Hope Street, 35<sup>th</sup> Floor

5 Patricia A. Laughman, WSBA # 46716

Los Angeles, CA 90071

6 1301 – 5th Avenue, Suite 3401

Telephone: (213) 863-0080

7 Seattle, WA 98101-2605

Fax: (213) 863-0751

8 Telephone: 206-623-6501

Email: cynthiacohen@saminicohen.com

9 Facsimile: 206-447-1973

10 Email: tscanlan@skellengerbender.com

HARRIGAN LEYH FARMER & THOMSEN LLP

11 Email:

By: s/Arthur W. Harrigan, Jr.

12 ploughman@skellengerbender.com

By: s/ Tyler L. Farmer

13 KEATING, BUCKLIN &

By: s/ Kristin E. Ballinger

14 MCCORMACH, INC., P.S.

Arthur W. Harrigan, Jr. WSBA #1751

15 By: s/Michael C. Walter

16 Tyler L. Farmer, WSBA #39912

17 Michael C. Walter, WSBA #15044

18 Kristin E. Ballinger, WSBA #28253

19 801 Second Avenue, Suite 1210

20 999 Third Avenue, Suite 4400

21 Seattle, WA 98104

22 Seattle, WA 98104

23 Telephone: 206-623-8861

24 Phone: (206) 623-1700

25 Email: mwalter@kbmlawyers.com

26 Fax: (206) 623-8717

27 Email: arthurh@harriganleyh.com

28 Email: tylerf@harriganleyh.com

29 *Attorneys for the City of Issaquah*

30 Email: kristinb@harriganleyh.com

31 *Attorneys for ORA Talus 90, LLC and Resmark*  
32 *Equity Partners, LLC*

1 FOSTER PEPPER PLLC

2  
3 By: s/Patrick Mullaney  
Patrick Mullaney, WSBA #21982  
4 111 Third Avenue, Suite 3000  
Seattle, WA 98101  
5 Telephone: 206-447-2815  
6 Facsimile: 206-749-2058  
Email: patrick.mullaney@foster.com

7 *Attorneys for J.R. Hayes & Sons, Inc, Talus*  
8 *7 & 8, LLC, and Talus Management*  
9 *Services LLC*

10 FORSBERG & UMLAUF, P.S.

11 By: s/A. Grant Lingg  
12 By: s/Vicky L. Strada  
A. Grant Lingg, WSBA #24227  
13 Vicky L. Strada, WSBA #34559  
901 Fifth Avenue, Suite 1400  
14 Telephone: 206-689-8500  
15 Email: glingg@foum.law  
Email: vstrada@foum.law

16 *Attorneys for Terra Associates, Inc.*

17  
18 OLES MORRISON RINKER & BAKER  
19 LLP

20 By: s/Bradley L. Powell  
Bradley L. Powell, WSBA #11158  
21 701 Pike Street, Suite 1700  
Seattle, WA 98101  
22 Telephone: 206-623-3427  
23 Email: powell@oles.com

24 *Attorney for Kulchin Foundation Drilling*  
25 *Company*

WILLIAMS, KASTNER & GIBBS PLLC

By: s/Dean G. von Kallenbach  
By: s/Theresa Rava  
Dean G. von Kallenbach, WSBA #12870  
Theresa Rava, WSBA #53159  
601 Union Street, Suite 4100  
Seattle, WA 98101-2380  
Telephone: 206-628-6600  
Fax: 206-628-6611  
Email: dvonkallenbach@williamskastner.com  
Email: trava@williamskastner.com

*Attorneys for Element Residential Inc., Terra Talus,*  
*LLC and Joshua Freed*

FLOYD PFLUEGER & RINGER, P.S.

By: s/Douglas K. Weigel  
By: s/Amanda D. Daylong  
Douglas K. Weigel, WSBA #27192  
Amanda D. Daylong, WSBA #48013  
200 W. Thomas Street, Suite 500  
Seattle, WA 98119  
Telephone: 206-441-4455  
Email: dweigel@floyd-ringer.com  
Email: adaylong@floyd-ringer.com

*Attorney for Big Mountain Enterprises*

1 **ORDER**

- 2 1. The deadline for a Joint Status Report and Discovery Plan is vacated.  
3 2. Absent further order from the Court, the parties shall file a Joint Status Report by

4 April 1, 2019.

5 DATED this 13<sup>th</sup> day of February 2019.

6  
7 

8 RICARDO S. MARTINEZ  
9 CHIEF UNITED STATES DISTRICT JUDGE

10 Presented by:

11 SKELLENGER BENDER, P.S.

SAMINI COHEN SPANOS LLP

12 By: s/Terence J. Scanlan

By: s/ Cynthia M. Cohen

13 By: s/Patricia A. Laughman

Cynthia M. Cohen, Admitted Pro Hac Vice

14 Terence J. Scanlan, WSBA #19498

333 S. Hope Street, 35<sup>th</sup> Floor

15 Patricia A. Laughman, WSBA # 46716

Los Angeles, CA 90071

16 1301 – 5th Avenue, Suite 3401

Telephone: (213) 863-0080

17 Seattle, WA 98101-2605

Fax: (213) 863-0751

18 Telephone: 206-623-6501

Email: cynthiacohen@saminicohen.com

19 Facsimile: 206-447-1973

20 Email: tscanlan@skellengerbender.com

HARRIGAN LEYH FARMER & THOMSEN LLP

21 Email: plaughman@skellengerbender.com

By: s/Arthur W. Harrigan, Jr.

22 KEATING, BUCKLIN &

By: s/ Tyler L. Farmer

23 MCCORMACH, INC., P.S.

By: s/ Kristin E. Ballinger

24 By: s/Michael C. Walter

Arthur W. Harrigan, Jr. WSBA #1751

25 Michael C. Walter, WSBA #15044

Tyler L. Farmer, WSBA #39912

801 Second Avenue, Suite 1210

Kristin E. Ballinger, WSBA #28253

Seattle, WA 98104

999 Third Avenue, Suite 4400

Telephone: 206-623-8861

Seattle, WA 98104

Email: mwalter@kbmlawyers.com

Phone: (206) 623-1700

Fax: (206) 623-8717

Email: arthurh@harriganleyh.com

Attorneys for the City of Issaquah

Email: tylerf@harriganleyh.com

Email: kristinb@harriganleyh.com

Attorneys for ORA Talus 90, LLC and Resmark  
Equity Partners, LLC

1 FOSTER PEPPER PLLC

2  
3 By: s/Patrick Mullaney  
Patrick Mullaney, WSBA #21982  
4 111 Third Avenue, Suite 3000  
Seattle, WA 98101  
5 Telephone: 206-447-2815  
Facsimile: 206-749-2058  
6 Email: patrick.mullaney@foster.com

7 *Attorneys for J.R. Hayes & Sons, Inc, Talus*  
8 *7 & 8, LLC, and Talus Management*  
9 *Services LLC*

10 FORSBERG & UMLAUF, P.S.

11 By: s/A. Grant Lingg  
12 By: s/Vicky L. Strada  
A. Grant Lingg, WSBA #24227  
13 Vicky L. Strada, WSBA #34559  
901 Fifth Avenue, Suite 1400  
14 Telephone: 206-689-8500  
15 Email: glingg@foum.law  
Email: vstrada@foum.law

16 *Attorneys for Terra Associates, Inc.*

17  
18 OLES MORRISON RINKER & BAKER  
19 LLP

20 By: s/Bradley L. Powell  
Bradley L. Powell, WSBA #11158  
21 701 Pike Street, Suite 1700  
Seattle, WA 98101  
22 Telephone: 206-623-3427  
23 Email: powell@oles.com

24 *Attorney for Kulchin Foundation Drilling*  
25 *Company*

WILLIAMS, KASTNER & GIBBS PLLC

By: s/Dean G. von Kallenbach  
By: s/Theresa Rava  
Dean G. von Kallenbach, WSBA #12870  
Theresa Rava, WSBA #53159  
601 Union Street, Suite 4100  
Seattle, WA 98101-2380  
Telephone: 206-628-6600  
Fax: 206-628-6611  
Email: dvonkallenbach@williamskastner.com  
Email: trava@williamskastner.com

*Attorneys for Element Residential Inc., Terra Talus,*  
*LLC and Joshua Freed*

FLOYD PFLUEGER & RINGER, P.S.

By: s/Douglas K. Weigel  
By: s/Amanda D. Daylong  
Douglas K. Weigel, WSBA #27192  
Amanda D. Daylong, WSBA #48013  
200 W. Thomas Street, Suite 500  
Seattle, WA 98119  
Telephone: 206-441-4455  
Email: dweigel@floyd-ringer.com  
Email: adaylong@floyd-ringer.com

*Attorney for Big Mountain Enterprises*