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5 THE HONORABLE JUDGE JAMES L. ROBART
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

11 STATE FARM FIRE AND CASUALTY
12 COMPANY as subrogee for Derek and Kirsten
13 Kalles,

14 Plaintiff,

v.

15 HOME DEPOT PRODUCT AUTHORITY,
16 LLC, a Georgia corporation, and THE HOME
DEPOT, INC., a Georgia corporation,

17 Defendants.

18
19 CAUSE NO. 2:21-CV-00323- JLR

20 STIPULATED MOTION TO REMAND

21 NOTING DATE: JULY 13, 2021

22 Plaintiff State Farm and Casualty Company, as subrogee for Derek and Kirsten Kalles
23 (“Plaintiff”) and Home Depot Product Authority, LLC and The Home Depot, Inc. (collectively
24 “Home Depot”) stipulate as follows:

25 1. On October 7, 2020, Plaintiff commenced an action in the Superior Court of the
26 State of Washington in and for the County of King, entitled *State Farm and Casualty Company,
as subrogee for Derek and Kirsten Kalles v. Home Depot Product Authority, LLC, a Georgia*

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31 HOLT WOODS & SCISCIANI LLP
32 701 PIKE STREET, SUITE 2200
33 SEATTLE, WA 98101
34 P: (206) 262-1200 F: (206) 223-4065

1 corporation, and The Home Depot, Inc., a Georgia corporation, as Cause Number 20-2-14918-
2 7 SEA (the “Action”).

3 2. On February 8, 2021, Plaintiff informed Home Depot for the first time that
4 Plaintiff’s alleged damages exceeded \$75,000.

5 3. On March 9, 2021, Home Depot filed a notice of removal of the Action pursuant
6 to U.S.C. §1441(b) with the United States District Court for the Western District of Washington.

7 4. After some discussion, the Parties have agreed that the Action should be
8 remanded to the King County Superior Court. To that end, the Parties hereby stipulate that the
9 Action be remanded to King County Superior Court with the following agreed upon conditions:

10 a. By August 2, 2021, or fourteen (14) days after a joint evidence
11 examination between the Parties’ experts, whichever is later,¹ Home Depot will assert in
12 supplemental discovery responses any evidence then known to Home Depot in support of the
13 allegation that Steven Ray Construction is a third-party that Home Depot asserts is liable in this
14 lawsuit; and

15 b. If Home Depot alleges that Steven Ray Construction is a third-party to
16 whom liability is to be apportioned, Home Depot will stipulate to Plaintiff amending its
17 Complaint to allege a claim against Steven Ray Construction. Plaintiff will amend its Complaint
18 within fourteen (14) days of receipt of Home Depot’s supplemental discovery responses, if any.

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24 ¹ The Parties will attempt to schedule the examination to take place by the close of business on August 2, 2021.
25 In the event the Parties’ experts are unable to coordinate a mutually agreed upon time for the examination by
26 August 2, the experts will schedule the examination for the soonest available date thereafter. In the event that the
examination is not scheduled to be held by August 2, 2021, the parties will meet and confer, between themselves
and their experts to schedule a date for the examination.

1 5. The Parties further stipulate that each party shall bear its own attorneys' fees and
2 costs with respect to the removal and subsequent remand of the Action pursuant to this stipulation
3 and order.

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6 DATED this 13th day of July, 2021.

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8 HOLT WOODS & SCISCIANI LLP

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10 By: s/ Kelsey L. Shewbert
11 By: s/ Kaytlin L. Carlson
12 Kelsey L. Shewbert, WSBA No. 51214
kshewbert@hwslawgroup.com
13 Kaytlin L. Carlson, WSBA No. 52606
kcarlson@hwslawgroup.com
14 Attorneys for Defendants

15 EVEZICH LAW OFFICES, P.L.L.C.

16

17 By: s/ Craig Evezich
18 Craig Evezich, WSBA No. 20957
craig@evezich.com
19 Attorney for Plaintiff

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HOLT WOODS & SCISCIANI LLP
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SEATTLE, WA 98101
P: (206) 262-1200 F: (206) 223-4065

ORDER

On July 13, 2021, the Parties in the above-referenced action filed a Stipulated Motion to Remand this Action. The Court having reviewed that stipulation and good cause appearing, orders as follows:

1. The parties' stipulated motion is approved;
2. The pending motion to remand (Dkt. # 23) is DENIED as moot; and
3. Western District of Washington Cause No. 2:21-CV-00323-JLR styled *State Farm and Casualty Company, as subrogee for Derek and Kirsten Kalles v. Home Depot Product Authority, LLC, a Georgia corporation, and The Home Depot, Inc., a Georgia corporation* is hereby remanded to King County Superior Court.

IT IS SO ORDERED.

Dated: July 14, 2021



JUDGE JAMES L. ROBART