

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  
27  
28

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRANDON E. COOLEY, DDS AND AARON  
C. COOLEY, DDS; CRAIG PEARCE, DMD  
AND CRAIG PEARCE, DMD PLLC; SIMONE  
W. KIM, DDS AND LISA W. PARK, DDS;  
SUKHDEV SINGH, DMD; GLORIA TUCKER  
DDS AND GLORIA TUCKER, DDS P.S., J.  
BREWSTER BEDE DDS AND J. BREWSTER  
BEDE DDS, P.S.; and DANIS L. LAIZURE  
DMD d.b.a. WALLA WALLA DENTAL  
CARE,

Plaintiffs,

v.

ASPEN AMERICAN INSURANCE  
COMPANY,

Defendant.

Civil Action No. 2:22-CV-00480-RSM-TLF

STIPULATION AND ORDER  
TO EXTEND STAY OF  
PROCEEDINGS FOR 90 DAYS

Plaintiffs Brandon E. Cooley, DDS and Aaron C. Cooley, DDS; Craig Pearce, DMD and  
Craig Pearce, DMD PLLC; Simone W. Kim, DDS and Lisa W. Park, DDS; Sukhdev Singh, DMD,  
Gloria Tucker DDS and Gloria Tucker, DDS P.S.; J. Brewster Bede DDS and J. Brewster Bede  
DDS, P.S.; and Danis L. Laizure DMD, and Defendant Aspen American Insurance Company  
stipulate to, and respectfully request on the terms set forth herein, a 90-day extension of the stay of

1 proceedings the Court entered in this case on May 4, 2022.

2 WHEREAS:

3 1. On March 11, 2022, Plaintiffs filed this action in King County Superior Court.

4 2. On April 11, 2022, Defendant removed the action to this Court pursuant to 28 U.S.C.  
5 §§ 1332, 1441, and 1446 and Rule 101 of the Local Civil Rules.

6 3. On April 27, 2022, the parties stipulated to stay all proceedings in this case for 90  
7 days.

8 4. On May 4, 2022, having considered the parties' stipulation, the Court issued an order  
9 staying all proceedings in this action for 90 days. Docket No. 18. The Court further provided in its  
10 Order that the parties could stipulate to further extend the stay at a later date. *Id.* at 5.

11 5. This action was stayed because:

- 12 a. It is a COVID-19 property insurance case in which Plaintiffs seek insurance  
13 coverage from Defendant for losses resulting from compliance with government  
14 COVID-19 orders;
- 15 b. The threshold legal issues in this case were being considered by appellate courts  
16 interpreting and applying Washington law; and
- 17 c. The resolution of those appeals could provide guidance regarding the proper  
18 resolution of this action and may narrow the issues presented to and litigated  
19 before this Court.

20 6. The relevant appeals remain pending as of this date.

21 7. An extension of the stay by 90 days will allow the parties to efficiently litigate this  
22 case and preserve party and Court resources.

23 8. The parties agree that Defendant will answer, move, or otherwise respond to  
24 Plaintiffs' complaint 30 days after the expiration of the stay, unless the stay is further extended.

25 9. The stipulation will not prejudice either party. The parties do not waive any claims or  
26 defenses with this stipulation.

1 IT IS HEREBY STIPULATED AND AGREED, pending the Court's approval, that the stay  
2 the Court issued on May 4, 2022, is extended for 90 days from the date the Court enters an Order  
3 granting this stipulation. The parties may stipulate to extend the stay at a later date. Either party  
4 may also move to dissolve the stay at an earlier date if circumstances warrant. Defendant will  
5 answer, move, or otherwise respond to Plaintiffs' complaint 30 days after the expiration of the stay,  
6 unless the stay is extended.

7 The parties respectfully request the Court to enter the accompanying Proposed Order  
8 granting the relief to which the parties have stipulated.

9 DATED this 26th day of July, 2022.

10 KELLER ROHRBACK L.L.P.

SIDLEY AUSTIN LLP

11  
12 \*/s/ Gabe Verdugo

/s/ Robin E. Wechkin

13 Gabe Verdugo, WSBA No. 44154  
14 Nathan Nanfelt, WSBA No. 45273  
15 1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
16 Telephone: (206) 623-1900  
gverdugo@kellerrohrback.com  
17 nnanfelt@kellerrohrback.com

Robin E. Wechkin, WSBA No. 24746  
SIDLEY AUSTIN LLP  
8426 316th Pl. SE  
Issaquah, WA 98027  
Telephone: (415) 439-1799  
rwechkin@sidley.com

18 ***Attorneys for Plaintiffs***

19  
20 *\*Signed with permission.*

Yvette Ostolaza, *pro hac vice* forthcoming  
Yolanda C. Garcia, *pro hac vice* forthcoming  
Mitchell B. Alleluia-Feinberg, *pro hac vice*  
forthcoming  
Chandler M. Rognes, *pro hac vice*  
forthcoming  
SIDLEY AUSTIN LLP  
2021 McKinney Avenue, Suite 2000  
Dallas, Texas 75201  
Telephone: (214) 981-3401  
Facsimile: (214) 981-3400  
yvette.ostolaza@sidley.com  
ygarcia@sidley.com  
malleluiafeinberg@sidley.com  
crognes@sidley.com

21  
22  
23  
24  
25 ***Attorneys for Defendant***

1 **ORDER**

2 The Court has considered the parties’ Stipulated and [Proposed] Order. In light of the  
3 parties’ request to extend the stay previously issued in this case, and because the threshold legal  
4 issues presented here are currently being considered by appellate courts applying and interpreting  
5 Washington law, the Court **HEREBY ORDERS** that the stay is extended by 90 days. The parties  
6 may stipulate to a further extension of the stay at a later date, and either party may move to dissolve  
7 the stay at an earlier date if circumstances warrant.

8 **IT IS SO ORDERED.**

9 Dated: July 29, 2022



10 RICARDO S. MARTINEZ  
11 CHIEF UNITED STATES DISTRICT JUDGE

12 PRESENTED BY:

13 SIDLEY AUSTIN LLP

14 /s/ Robin E. Wechkin

15 Robin E. Wechkin, WSBA No. 24746  
16 SIDLEY AUSTIN LLP  
17 8426 316th Pl. SE  
18 Issaquah, WA 98027  
19 Telephone: (415) 439-1799  
20 rwechkin@sidley.com

21 Yvette Ostolaza, *pro hac vice* forthcoming  
22 Yolanda C. Garcia, *pro hac vice* forthcoming  
23 Mitchell B. Alleluia-Feinberg, *pro hac vice*  
24 forthcoming  
25 Chandler M. Rognes, *pro hac vice* forthcoming  
26 2021 McKinney Avenue, Suite 2000  
27 Dallas, Texas 75201  
28 Telephone: (214) 981-3401  
Facsimile: (214) 981-3400  
yvette.ostolaza@sidley.com  
ygarcia@sidley.com  
malleluiafeinberg@sidley.com  
crognes@sidley.com

***Attorneys for Defendant***

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 26th day of July, 2022, I caused this document to be electronically filed  
3 with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to  
4 the parties who have appeared in this case.  
5

6 /s/ Robin E. Wechkin

7 Robin E. Wechkin, WSBA No. 24746  
8 SIDLEY AUSTIN LLP  
9 8426 316th Pl. SE  
10 Issaquah, WA 98027  
11 Telephone: (415) 439-1799  
12 rwechkin@sidley.com  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28