

THE HONORABLE TANA LIN

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PACIFIC WATER TECHNOLOGY
LLC et al.,

Plaintiffs,

v.

RYAN R WEAR et al.,

Defendants.

No. 2:24-cv-01164-TL

STIPULATION AND ORDER
CONTINUING STATE COURT
TEMPORARY RESTRAINING ORDER AS
TO WEAR PARTIES

NOTING DATE: AUGUST 29, 2024

STIPULATION

Plaintiffs in this action (the “Pacific Parties”), by and through their undersigned counsel, and Defendants Ryan Wear and Elizabeth Swain (“Wear and Swain Parties”), by and through their undersigned counsel, respectfully Stipulate as follows:

1. On April 16, 2024, the Pacific Parties initiated the state court action captioned as *Pacific Water Technology, LLC et al v. Ryan Wear et al.*, Case No. 24-2-2887-31 (the “Pacific Parties Action”) in Snohomish County Superior Court against a number of Defendants including the Wear and Swain Parties. Dkt. 17, Ex. 1.

2. On April 26 2024, Pacific Parties obtained a Temporary Restraining Order (“April 26 TRO”) enjoining the Defendants in the Pacific Parties Action, including the Wear

1 and Swain Parties, from dissipating assets and from engaging in transactions outside the
2 ordinary course of business. Dkt. 17, Ex. 3. Pacific Parties deposited the \$20,000 bond with the
3 Snohomish County Superior Court clerk on April 30, 2024.

4 3. On July 12, 2024, Snohomish County Superior Court entered a stipulated order
5 continuing the aforementioned TRO, as amended, through the following date: August 30, 2024.

6 4. On August 1, 2024, First Fed, who at that time had been made a defendant in the
7 Pacific Parties Action, filed a disputed Notice of Removal in the Pacific Parties Action (“August
8 1 Notice of Removal”). Dkt. 1.

9 5. On August 23, 2024, King County Superior Court entered an Order Granting
10 Motion to Amend Appointing Order and for Other Relief in the matter *In re Receivership of*
11 *Creative Technologies, L.L.C.* (“Creative Receivership”), expanding that receivership to
12 include two additional defendants in this matter: Defendant Refreshing USA, LLC and Water
13 Station Management, LLC (“Management Order”). The Management Order is not directed at
14 the Wear and Swain Parties in their individual capacities.

15 6. Pursuant to 28 U.S.C. § 1450, “[a]ll injunctions, orders, and other proceedings”
16 entered prior to removal in any action removed to federal court “shall remain in full force and
17 effect until dissolved or modified by the district court.”

18 7. The parties to this Stipulation have agreed to the continuation of the April 26
19 TRO, as amended, through October 30, 2024. This Stipulation does not prejudice Pacific
20 Parties’ rights to seek remand to Snohomish County Superior Court.

21 Now, therefore, the undersigned parties stipulate to entry of the following order affirming
22 their agreement to continue the TRO as to the Wear and Swain Parties until October 30, 2024.

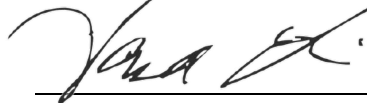
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1 **STIPULATED ORDER**

2 Pursuant to the parties' stipulation, it is so ordered. The April 26 TRO, as amended,
3 shall be continued through October 30, 2024 as to the Wear and Swain Parties. Pacific
4 Parties may file any Motion for Preliminary Injunction by October 3, 2024. The Wear and
5 Swain Parties reserve all defenses.

6 DATED this 30th day of August, 2024.

7 

8 Tana Lin
9 United States District Court Judge

10 STIPULATED AND PRESENTED this 29th day of August, 2024, by:

11 CORR CRONIN LLP

PATRICK L. VAIL PLLC

12 s/ John T. Bender

s/ Patrick L. Vail

13 John T. Bender, WSBA No. 49658
14 Kristen F. Barnhart, WSBA No. 51135
15 CORR CRONIN LLP
16 1015 Second Avenue, Floor 10
17 Seattle, WA 98104-1001
18 Telephone: 206-625-8600
19 jbender@corrchronin.com
20 kbarnhart@corrchronin.com
21 *Counsel for Pacific Parties*

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1000 2nd Ave St 1770
Seattle, WA 98104
Email: pvail@pvaillaw.com
*Counsel for Defendants Ryan Wear and
Elizabeth Swain*

22 *I certify that this memorandum contains 450*
23 *words, in compliance with the Local Civil*
24 *Rules*

1 **CERTIFICATION**

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3 Undersigned counsel certifies that on August 27 and August 28, 2024, they conferred
4 with Counsel for Defendants Ryan Wear and Elizabeth Swain in the state court action captioned
5 as Pacific Water Technology, LLC et al v. Ryan Wear et al., Case No. 24-2-2887-31 (the
6 “Pacific Parties Action”) with respect to this stipulation and proposed order. Counsel for
7 Defendants Ryan Wear and Elizabeth Swain subsequently stipulated to this stipulation and
8 proposed order to continue the April 26 TRO.

9 In addition, out of an abundance of caution, the undersigned counsel certifies their
10 efforts to confer with the parties in the related consolidated cases by phone and/or via e-mail
11 prior to filing the above motion. See Declaration of Kristen F. Barnhart dated August 29, 2024,
12 filed contemporaneously herewith.

13 Certified and dated this 29th day of August, 2024, by

14
15 CORR CRONIN LLP

16 s/ John T. Bender

17 John T. Bender, WSBA No. 49658
18 Kristen F. Barnhart, WSBA No. 51135
19 CORR CRONIN LLP
20 1015 Second Avenue, Floor 10
21 Seattle, WA 98104-1001
22 Telephone: 206-625-8600
23 jbender@corrchronin.com
24 kbarnhart@corrchronin.com
25 *Counsel for Pacific Parties*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 30, 2024, I electronically filed the foregoing document
3 with the Clerk of the Court using the CM/ECF system, which will send notification of such
4 filing to those attorneys of record registered on the CM/ECF system. All parties (if any) shall
5 be served in accordance of the Federal Civil Rules of Procedure.

6 DATED this 30th day of August, 2024.

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8 s/ Wen Cruz
9 Wen Cruz, Legal Assistant
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