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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

<p>EVERGREEN PROFESSIONAL PLAZA LLC, a Washington limited liability company,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs</p> <p>KEYBANK NATIONAL ASSOCIATION, a national banking association; FIRST AMERICAN TITLE INSURANCE COMPANY,</p> <p style="text-align: center;">Defendants.</p>
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CASE NO. C08-5425BHS

ORDER OF DISMISSAL

Counsel having notified the Court of the settlement of this case, and it appearing that no issue remains for the Court's determination,

IT IS ORDERED that this action and all claims asserted herein are **DISMISSED** without prejudice and without fees or costs to any party.

In the event that the settlement is not perfected, any party may move to reopen the case, provided that such motion is filed within *ninety (90)* days of the date of this Order. Any trial date and/or pretrial dates previously set are hereby **VACATED**.

IT IS SO ORDERED this 22dn day of January 2009.



BENJAMIN H. SETTLE  
United States District Judge