

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CARL T. MADSEN, INC., d/b/a  
MADSEN ELECTRIC, a Washington  
corporation,

Plaintiff,

v.

ABB INC., a Delaware corporation;  
and MWH CONSTRUCTORS, INC.,  
a Delaware corporation,

Defendants.

ABB INC., a Delaware corporation,

Third-Party Plaintiff,

v.

CITY OF TACOMA; FIDELITY AND  
DEPOSIT COMPANY OF MARYLAND;  
and ZURICH AMERICAN INSURANCE  
COMPANY,

Third-Party Defendants.

The Honorable Karen L. Strombom

NO. 08-CV-05596-KLS

ORDER GRANTING PLAINTIFF  
MADSEN ELECTRIC'S MOTION  
TO COMPEL RELEASE OF  
RETAINAGE

ORDER GRANTING PLAINTIFF MADSEN  
ELECTRIC'S MOTION TO COMPEL  
RELEASE OF RETAINAGE – 1

105780.1 (#100056.3)



1 THIS MATTER came before the Court on the Motion of Plaintiff Carl T.  
2 Madsen, d/b/a Madsen Electric (“Madsen Electric”) to compel Defendant MWH  
3 Constructors, Inc. (“MWH”) to release the retainage it withheld from Madsen for work  
4 on the Tacoma Central Treatment Plant Upgrade and Expansion Project (“Project”)  
5 pursuant to RCW 60.28.011.

6 The Court having considered that Motion and its supporting Declarations and  
7 exhibits, and having considered all materials submitted in opposition thereto, the Court  
8 hereby orders as follows:

9 1. Defendant MWH shall immediately pay Madsen Electric the principal  
10 sum of \$408,740.66, plus all additional retainage withheld from Madsen Electric on the  
11 Project pursuant to RCW 60.28.011. In the event Madsen Electric and MWH cannot  
12 agree on the amount of any additional retainage withheld over and above \$408,740.66,  
13 they may apply to the Court to resolve their differences.

14 2. Within 10 days of the date of this Order, MWH shall submit an  
15 accounting to Madsen Electric of the interest earned on the \$408,740.66 amount  
16 referred to in paragraph 1, and on any additional sum over and above \$408,740.66, that  
17 is agreed upon, and shall pay such interest to Madsen Electric.

18 3. Madsen Electric’s requests for additional interest and attorneys’ fees are  
19 denied.

20 DATED this 14th day of September, 2010.

21  
22  
23 

24 Karen L. Strombom  
United States Magistrate Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Presented by:

**AHLERS & CRESSMAN PLLC**

By: \_\_\_\_\_  
Paul R. Cressman, Jr., WSBA #7128  
Douglas R. Roach, WSBA #21127  
Ryan W. Sternoff, WSBA #37021  
Attorneys for Carl T. Madsen, Inc.,  
d/b/a Madsen Electric

