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THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

<p>RAYMOND T. BALVAGE and DEBORAH A. BALVAGE, husband and wife; et al.,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>RYDERWOOD IMPROVEMENT AND SERVICE ASSOCIATION, INC., a Washington non-profit corporation,</p> <p style="text-align: right;">Defendant.</p>
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Case No. 3:09-cv-05409-BHS  
**STIPULATION AND ORDER RE  
DECEASED PLAINTIFFS**

The parties in this lawsuit through their undersigned counsel of record hereby stipulate and agree:

**STIPULATION**

1. Plaintiffs submit the following two individual plaintiffs have passed away: Earleen M. Rutherford and Arnold Nadeau. Plaintiffs submit it is appropriate for their claims as individual plaintiffs to be voluntarily dismissed.

2. Also, plaintiffs submit the following other two persons (whose marital communities are presently plaintiffs in this lawsuit) have passed away: Ethel May Kolb and Ray Bodine. Plaintiffs submit it is appropriate for "Gerald Blair Kolb and Ethel May Kolb, husband and wife" to be replaced as a plaintiff in this lawsuit by "Gerald Blair Kolb" as the

STIPULATION AND ORDER RE DECEASED  
PLAINTIFFS - 1  
Case No. 3:09-cv-05409-BHS  
124215.0001/5519688.1

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1 named plaintiff. Additionally, Plaintiffs submit it is appropriate for “Ray Bodine and Janie Kay  
2 Bodine, husband and wife” to be replaced as a plaintiff in this lawsuit by “Janie Kay Bodine”  
3 as the named plaintiff.

4 3. The parties agree the Court may enter the below Order which provides: (1) that  
5 the claims of plaintiffs Earleen M. Rutherford and Arnold Nadeau are voluntarily dismissed;  
6 (2) that “Gerald Blair Kolb and Ethel May Kolb, husband and wife” as a plaintiff in this lawsuit  
7 is replaced by “Gerald Blair Kolb” as the named plaintiff; (3) that “Ray Bodine and Janie Kay  
8 Bodine, husband and wife” as a plaintiff in this lawsuit is replaced by “Janie Kay Bodine” as  
9 the named plaintiff; and (4) that these actions do not affect the ongoing claims of the remaining  
10 plaintiffs.

11 DATED this 31<sup>st</sup> day of October, 2012.

12 LANE POWELL PC

BETTS PATTERSON & MINES PS

*[per email approval]*

14 By s/ Joseph E. Lynam  
15 Joseph E. Lynam, WSBA No. 12728  
Attorneys for Plaintiffs

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27 STIPULATION AND ORDER RE DECEASED  
PLAINTIFFS - 2  
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**ORDER**

BASED on the above Stipulation, IT IS HEREBY

ORDERED that the claims of plaintiffs Earleen M. Rutherford and Arnold Nadeau are hereby voluntarily dismissed; and

ORDERED that "Gerald Blair Kolb and Ethel May Kolb, husband and wife" as a plaintiff in this lawsuit is replaced by "Gerald Blair Kolb" as the named plaintiff; and

ORDERED that "Ray Bodine and Janie Kay Bodine, husband and wife" as a plaintiff in this lawsuit is replaced by "Janie Kay Bodine" as the named plaintiff; and

ORDERED that these actions do not affect the ongoing claims of the remaining plaintiffs.

DATED this 1 day of November, 2012.

  
UNITED STATES DISTRICT JUDGE

Presented by:

LANE POWELL PC

By s/ Joseph E. Lynam

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Attorneys for Plaintiffs

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Copy Received; Approved for Entry;  
and Notice of Presentation Waived:

BETTS PATTERSON & MINES PS

*[per email approval]*

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Attorneys for Defendant

STIPULATION AND ORDER RE DECEASED  
PLAINTIFFS - 4  
Case No. 3:09-cv-05409-BHS  
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