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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JEAN PIERRE REY and ILZE  
9 SILARASA,

10 Plaintiffs,

11 v.

12 MICHEL REY, et al.,

13 Defendants.

CASE NO. C14-5093 BHS

ORDER GRANTING IN PART  
AND DENYING IN PART  
DEFENDANTS' PETITION FOR  
AN AWARD OF FEES AND  
COSTS

14 This matter comes before the Court on Defendants Defendants Builders Surplus  
15 Northwest Inc., Nevawa, Inc., Michel Rey, Renee Rey, US Growing Investments, Inc.,  
16 US Investment Group Corporation, and Visitrade, Inc. ("Defendants") petition for an  
17 award of fees and costs (Dkt. 79).

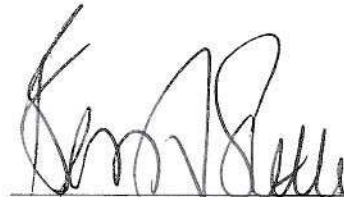
18 On August 12, 2014, the Court granted Defendants' request for fees and costs  
19 because Plaintiffs Jean Pierre Rey and Ilze Silarasa ("Plaintiffs") improperly filed lis  
20 pendens. Dkt. 78. On August 28, 2014, Defendants filed the instant petition. Dkt. 79.  
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1 On September 3, 2014, Plaintiffs responded. Dkt. 81. On September 5, 2014,  
2 Defendants replied. Dkt. 84.

3 In this case, Plaintiffs object to Defendants' request for costs and request for future  
4 damages. With regard to the former, Defendants are entitled to their costs. *Szmania v.*  
5 *Countrywide Homes Loans, Inc.*, 160 Wn. App. 1002, \*7 ("Thus, under RCW  
6 4.28.328(2) . . . the plaintiff must pay the defendant's attorney fees and costs."). With  
7 regard to the latter, the Court agrees with Plaintiffs that the Court's order and removal of  
8 the lis pendens should end the matter, and the Court declines to grant Defendants an open  
9 ended option to file a motion for future damages. Therefore, the Court grants in part and  
10 denies in part Defendants' petition and awards Defendants \$14,386.17 in fees and costs.

11 **IT IS SO ORDERED.**

12 Dated this 10 day of September, 2014.

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14 BENJAMIN H. SETTLE  
United States District Judge  
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