

Hon. Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH DAHL, in his Personal Capacity and as
Personal Representative of the Estate of
BRANDON DAHL, deceased,

Plaintiff,

v.

MASON COUNTY, et al.,

Defendants.

NO. 3:16-cv-05719-RBL

**STIPULATED MOTION AND
ORDER TO APPROVE
SETTLEMENT AND DISMISS
CASE**

I. INTRODUCTION

Plaintiff, KEITH DAHL, in his personal capacity and as personal representative of the Estate of Brandon Dahl; Defendants MASON COUNTY, a political subdivision of the State of Washington; GARY HAUGEN, as Personal Representative for the Estate of TOM HAUGEN, deceased; CASEY SALISBURY; ANGELA LANGSTON; JOSEPH OTT; BRAD MCQUADE; and MATT GRAY (collectively “County Defendants”); and Defendant HEALTH CARE DELIVERY SYSTEMS, INC. (“HDS”) (collectively the “Parties”), by and through their counsel of record, respectfully request the Court approve a settlement agreement reached between the Parties and dismiss this case with prejudice and without further costs or attorneys’ fees on the terms set forth in the Settlement *Guardian ad Litem* Report (“GAL Report”).

STIPULATED MOTION AND ORDER TO APPROVE
SETTLEMENT AND DISMISS - 1

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1 **II. RELIEF REQUESTED**

2 The Parties respectfully request that the Court issue an order approving the settlement
3 agreement reached between the Parties and dismiss this case with prejudice and without further
4 costs or attorneys' fees on the terms set forth in the Settlement GAL Report.

5 **III. EVIDENCE RELIED UPON**

6 This Stipulated Motion to Approve Settlement and Dismiss ("Motion") is based upon the
7 Settlement GAL Report on file with this Court, which, in turn, is based on: (1) a Release and Hold
8 Harmless Agreement between Mr. Dahl, in his Personal Capacity and as Personal Representative
9 of the Estate of Brandon Dahl, and the County Defendants; (2) a Settlement Agreement and Release
10 between Mr. Dahl, as Personal Representative of the Estate of Brandon Dahl, and HDS; and (3) a
11 Mediation Settlement Agreement between the Parties (collectively "Settlement Agreements").

12 **IV. STATEMENT OF FACTS**

13 On August 16, 2016, Plaintiff filed a complaint against Defendants alleging negligence and
14 violations of 42 U.S.C. § 1983. The Parties have since negotiated a global settlement of all claims
15 against all Defendants. The terms of the global settlement are provided in the Settlement GAL
16 Report.

17 On May 25, 2017, the Court appointed Michael B. Smith, to serve as *Guardian ad Litem*
18 ("GAL") for BD, a minor. Mr. Smith participated in mediation, reviewed each of the Settlement
19 Agreements, and prepared a Settlement GAL Report, which he filed with the Court under seal on
20 October 9, 2018 (Dkt. 159). The Settlement GAL Report recommends that this Court approve the
21 terms of the Settlement Agreements, finding the Parties' settlement a fair and reasonable
22 compromise.

23 **V. AUTHORITY & ARGUMENT**

24 The Parties respectfully request that the Court approve the settlement and dismiss this case

1 with prejudice and without further costs or attorneys' fees on the terms set forth in the Settlement
2 GAL Report.

3 The Court's approval of the settlement is appropriate because the settlement terms
4 negotiated between the Parties are "fundamentally fair, adequate, and reasonable." *United States*
5 *v. Oregon*, 913 F.2d 576, 580 (9th Cir. 1990). Here, the Parties agree that the Settlement
6 Agreements are fair, adequate, and reasonable. Further, the GAL has approved the settlement and
7 specifically found that it is a fair and reasonable compromise. Accordingly, the Court's approval
8 of the settlement, and related dismissal of this case, is appropriate.

9 **VI. CONCLUSION**

10 For the reasons set forth above, the Parties respectfully request that the Court approve the
11 settlement reached between the Parties and dismiss this case with prejudice and without further
12 costs or attorneys' fees on the terms set forth in the Settlement GAL Report.

13 DATED this 11th day of October 2018.

14 WILLIAMS, KASTNER

15 s/Heidi Mandt

16 Heidi Mandt, WSBA #26880

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LAW LYMAN DANIEL KAMERRER &
BOGDANOVICH PS

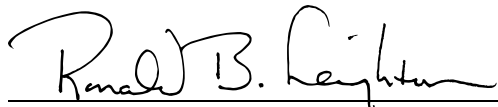
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ORDER

Having considered the Motion, Settlement GAL Report, and other materials, the Court hereby approves the settlement on the terms set forth in the Settlement GAL Report and dismisses this case with prejudice and without further costs or attorneys' fees.

IT IS SO ORDERED.

Dated this 12th day of October, 2018 .



Ronald B. Leighton
United States District Judge