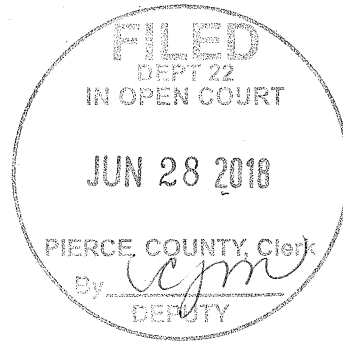


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BENDICH, STOBAUGH & STRONG, P.C.



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
 IN AND FOR THE COUNTY OF PIERCE

KEVIN DOLAN, and a class of similarly  
 situated individuals,

Plaintiffs,

vs.

KING COUNTY, a political subdivision of  
 The State of Washington,

Defendant,

and

DEPARTMENT OF RETIREMENT  
 SYSTEMS,

Intervenor.

Cause No: 06-2-04611-6

DECISION ON MOTION TO  
 CORRECT NOTICES AND  
 PRO RATA FEES FOR FIVE  
 CLASS MEMBERS

THIS MATTER having come before the above-entitled Court by way of  
 motion as noted by Plaintiff's counsel, David F. Stobaugh, for relief, as noted below, on  
 the 12<sup>th</sup> day of June, 2018. The Respondent, Department of Retirement Systems  
 (DRS), being represented by Attorney Jeffrey A. O. Freimund, and having filed a  
 response in opposition; it is hereby, ordered, adjudged and decreed,

1 Plaintiff's motion to "Correct Notices and Fees" centers on two distinct  
2 issues effecting class members of the Dolan pension class action suit.

3 The first request is seeking relief from assessed attorney's fees as it  
4 applies to Laura C. Inveen, who was employed by the Eastside Public Defender  
5 Association in 1980, 1981 and part of 1982. She became aware of the Dolan class  
6 action by filling out an information form sent to her by Plaintiff's counsel. Ms. Inveen  
7 currently serves as a King County Superior Court judge. She is a member of the  
8 Judicial Retirement System (JRS), as well as a PERS II member. She receives 3.5% of  
9 her average final salary for each year of service, with a maximum of 75% of her average  
10 final salary. She is currently at her full 75% maximum under the Judicial Retirement  
11 System. According to Plaintiff's counsel, her years as a public defender, in the Dolan  
12 class, play no role in her retirement benefit.

13 According to her declaration, she received notice that \$14,482.00 would  
14 be taken from her retirement with the Judicial Retirement System, which has no  
15 relationship with the Dolan pension benefits. In short, she is being charged \$14,000.00,  
16 in attorney's fees, for two plus years of service credit that has no benefit to Ms. Inveen.

17 The Court finds this inherently unfair and an unintended consequence of  
18 the Dolan litigation. Both in law and equity the Court has reserved jurisdiction over this  
19 type of issue since the issue is a direct result of the Court's prior decisions in this case.  
20 Appellate review has confirmed the Court's continuing jurisdiction.

21 The Court adopts the arguments put forward by Plaintiff's counsel and  
22 rules that Ms. Inveen should not unjustly enrich third parties for payment of assessed  
23 attorney's fees which apply in her unique fact pattern. The motion is granted; DRS shall  
24  
25


1 not withhold any sums from Ms. Inveen's retirement based on the Dolan litigation. DRS  
2 is under no obligation to recalculate any class members' payment towards attorney's  
3 fees as a result of this decision.

4 The second part of Plaintiff's motion concerns four (4) class members  
5 whose salary information and service credit were missing from the information sent by  
6 King County to DRS. For two of the members, the DRS calculation understated the  
7 total years of service and, thus, their pro rata share of fees was undervalued. The other  
8 two members service years were not sent to DRS until after the attorney's fees  
9 calculation had already been made and thus paid no fees.

10 Plaintiff argues that these four should have their fees recalculated and  
11 properly be assessed their fair share. The Court disagrees. I see no action of the class  
12 members at issue that caused these errors. Fault lies either with King County or DRS.  
13 The fact that other class members may pay for these class members' share of the  
14 attorney's fees is not sufficient reason to go back and attempt to correct the error. In  
15 this instant, the Court adopts the arguments of DRS in denying their motion. The  
16 Doctrine of Finality has credibility as applied to this fact pattern. The motion is denied  
17 and the Court does not order DRS to make any further calculations based on this  
18 decision.  
19

20 The Court would request that Plaintiff's counsel draft an order reflecting  
21 this decision.

22 DATED this 28 day of June, 2018.

23  
24   
JUDGE JOHN R. HICKMAN

