



06-2-04611-6 40512191 ORRE 05-13-13

FILED  
DEPT. 22  
IN OPEN COURT  
MAY 10 2013  
Pierce County Clerk  
By: *[Signature]*  
DEPUTY

The Honorable John R. Hickman  
Hearing: May 10, 2013  
Time: 1:30 p.m.

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN DOLAN and a class of similarly  
situated individuals,  
  
Plaintiffs,  
  
v.  
  
KING COUNTY, a political subdivision of  
the State of Washington,  
  
Defendant.

NO. 06-2-04611-6

**ORDER DENYING FULL PARTY  
STATUS FOR DRS AND GRANTING  
LIMITED INTERVENTION FOR DRS**

Matter Before The Court

This matter came before the Court on the Motion to Intervene by the Washington State Department of Retirement Systems (DRS). The Court has considered the records and files contained herein, including the following:

1. Motion to Intervene by the Washington State Department of Retirement Systems;
2. Declarations of Marcie Frost dated 4/22/13 and 5/6/13;
3. Declarations of Anne Hall dated 3/28/13, 4/22/13 and 5/7/13, including all exhibits;
4. Defendant King County's Opposition to Motion to Intervene;

- 1 5. Declaration of Dwight Dively, including all exhibits;
- 2 6. Declaration of Tim Filer;
- 3 7. Plaintiffs' Opposition to Motion to Intervene;
- 4 8. Declaration of David F. Stobaugh;
- 5 9. Declaration of Stephen K. Festor; and
- 6 10. Reply in Support of Motion to Intervene by DRS.

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8 The Court also heard the argument of counsel for DRS, the plaintiffs, and the defendant  
9 King County.

10 Based on the foregoing, the Court makes the following rulings:

11 **Ruling - Full Party Status Denied**

12 DRS's motion to intervene <sup>attempted to</sup> ~~does not~~ seek "full party" status. DRS's motion states that it  
13 wants to be heard on its objections to the parties' proposed class action settlement that are set  
14 forth in its motion and its two-page objection that has already been filed and to appeal if the  
15 Court overrules those objections and approves the proposed settlement.

16 DRS's request to participate in this case as a "full party" is untimely. In addition,  
17 allowing DRS to intervene as a "full party" at this stage of the litigation would also unduly  
18 complicate and delay the proceedings, and would greatly prejudice the parties. This action has  
19 been stayed as to all matters other than those related to the consideration of the proposed  
20 settlement and objections thereto and to the implementation of the settlement if it is approved.

21 DRS's request for "full party" status is denied.

22 **Ruling - Limited Intervention Granted**

23 The parties do not object to limited intervention by DRS to have its objections, already  
24 filed, heard by the Court and then appeal if the Court approves the settlement and DRS wishes  
25 to appeal. Indeed, the parties intended that the Settlement Agreement already confers this  
26 limited intervention.

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1 The Court grants DRS limited intervention to have the DRS objections to the settlement  
2 already filed heard by the Court and to appeal if the Court approves the settlement and DRS  
3 wishes to appeal. The Court finds this limited intervention for DRS is sufficient to protect the  
4 interests DRS has articulated in its motion and its objection.

5 DRS's objections will be heard along with those of objecting class members on June 7,  
6 2013. Plaintiffs and King County are required to respond to DRS's objections and those of  
7 objecting class members by May 31, 2013. The Court will hear oral argument on the objections  
8 and responses on June 7, 2013.

9 DRS will be subject to this Court's orders, if any, requiring the implementation of the  
10 Settlement Agreement, if the settlement is approved.

11 DATED this 10<sup>th</sup> day of May, 2013.

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14 The Honorable John R. Hickman  
Superior Court Judge  
By: *Cjm*  
Pierce County Clerk  
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15 Presented by:

16 BENDICH STOBAUGH & STRONG, P.C.

17  
18 *David F. Stobaugh*  
19 David F. Stobaugh, WSBA #6376  
Attorneys for Plaintiffs

ACKNOWLEDGE RECEIPT  
*Michael E. Tardie*  
MICHAEL E. TARDIE  
COUNSEL FOR DRS

20  
21 Approved for Entry:

22 FOSTER PEPPER PLLC

23  
24 *Jim Filer*  
25 Jim Filer, WSBA #16285  
Attorneys for Defendant