

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Hon. Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

DREW TRACY, DUANE SCHUMAN,
RICK STEELE, CHRIS LINES, DANIEL
KEVIN GRIFFEE, RICHARD HUFFMAN,
LEE HAZELTON and SCOTT WILLIS,
individually,

Plaintiffs,

vs.

CITY OF VANCOUVER, a municipality,

Defendant.

No. 3:17-cv-05414-RBL

STIPULATION RE: WAIVER OF
DEFENDANT’S ENTITLEMENT TO
COSTS AND PLAINTIFFS’ RIGHT TO
APPEAL

NOTE ON MOTION CALENDAR:
February 5, 2019

Plaintiffs and Defendant, by and through undersigned counsel of record, hereby stipulate and jointly move for an order with the following terms:

- 1. Defendant City of Vancouver is the prevailing party in this action and would normally be entitled to costs pursuant to 28 U.S.C. § 1920 and FRCP 54.
- 2. Plaintiffs, as aggrieved parties, would normally have the right to appeal the judgment entered January 15, 2019, as well as any adverse orders subordinate to said judgment.
- 3. In exchange for Defendant waiving its right to receive costs under 28 U.S.C. § 1920 and FRCP 54, Plaintiffs hereby knowingly, voluntarily, and intelligently waive their right to seek appellate review of the Court’s judgment (Dkt. 142) and any other order entered in this case.

1 DATED on February 5, 2019.

2 TEDESCO LAW GROUP

3 By: /s/ Katelyn S. Oldham
4 (per written authorization dated 2/4/19)
5 Ms. Katelyn S. Oldham, WSBA No. 35266
6 Attorney for Plaintiffs
7 12780 SE Stark Street
8 Portland, OR 97232
9 **Tel:** (866) 697-6015; **Fax:** (503) 210-9847
10 katelyn@miketlaw.com

CITY ATTORNEY'S OFFICE
VANCOUVER, WASHINGTON

By: /s/ Daniel G. Lloyd
Daniel G. Lloyd, WSBA No. 34221
Sara Baynard-Cooke, WSBA No. 35697
Assistant City Attorneys
Attorney for Defendant
PO Box 1995
Vancouver, WA 98668-1995
Tel: 360.487.8500; **Fax:** 360.487.8501
dan.lloyd@cityofvancouver.us
sara.baynard-cooke@cityofvancouver.us

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Hon. Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

DREW TRACY, DUANE SCHUMAN,
RICK STEELE, CHRIS LINES, DANIEL
KEVIN GRIFFEE, RICHARD HUFFMAN,
LEE HAZELTON and SCOTT WILLIS,
individually,

Plaintiffs,

vs.

CITY OF VANCOUVER, a municipality,

Defendant.

No. 3:17-cv-05414-RBL

STIPULATION AND ORDER RE:
WAIVER OF DEFENDANT’S
ENTITLEMENT TO COSTS AND
PLAINTIFFS’ RIGHT TO APPEAL

[PROPOSED]

Plaintiffs and Defendant, by and through undersigned counsel of record, hereby stipulate and jointly move for an order with the following terms:

- 1. Defendant City of Vancouver is the prevailing party in this action and would normally be entitled to costs pursuant to 28 U.S.C. § 1920 and FRCP 54.
- 2. Plaintiffs, as aggrieved parties, would normally have the right to appeal the judgment entered January 15, 2019, as well as any adverse orders subordinate to said judgment.
- 3. In exchange for Defendant waiving its right to receive costs under 28 U.S.C. § 1920 and FRCP 54, Plaintiffs hereby knowingly, voluntarily, and intelligently waive their right to seek appellate review of the Court’s judgment (Dkt. 142) and any other order entered in this case.

1 DATED on February, 5, 2019.

2 TEDESCO LAW GROUP

3 By: /s/ Katelyn S. Oldham
4 (per written authorization dated 2/4/19)
5 Ms. Katelyn S. Oldham, WSBA No. 35266
6 Attorney for Plaintiffs
7 12780 SE Stark Street
8 Portland, OR 97232
9 **Tel:** (866) 697-6015; **Fax:** (503) 210-9847
10 katelyn@miketlaw.com

CITY ATTORNEY'S OFFICE
VANCOUVER, WASHINGTON

By: /s/ Daniel G. Lloyd
Daniel G. Lloyd, WSBA No. 34221
Sara Baynard-Cooke, WSBA No. 35697
Assistant City Attorneys
Attorney for Defendant
PO Box 1995
Vancouver, WA 98668-1995
Tel: 360.487.8500; **Fax:** 360.487.8501
dan.lloyd@cityofvancouver.us
sara.baynard-cooke@cityofvancouver.us

11 **ORDER**

12 **IT IS SO ORDERED.**

13 DATED: _____, 2019

14
15
16 Honorable Ronald B. Leighton
17 United States District Court Judge