

1 THE HONORABLE MICHAEL J. FOX

2 Hearing Date: February 6, 2009 10:00 a.m.
3 With Oral Argument
4 KING COUNTY WASHINGTON

5 FEB 06 2009

6 SUPERIOR COURT CLERK
7 BY: ~~_____~~
Anne C. Small DEPUTY

8 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

9 MARK DeCOURSEY, et ux., et al.,

10 Plaintiffs,

11 v.

12 PAUL H. STICKNEY, PAUL H. STICKNEY
13 REAL ESTATE SERVICES, INC., and
14 WINDERMERE REAL ESTATE SCA, INC.,

15 Defendants.

NO. 06-2-24906-2 SEA

ORDER GRANTING PLAINTIFFS
MOTION FOR ATTORNEYS' FEES

17 THIS MATTER having come on regularly before this Court for hearing upon
18 Plaintiffs' Motion for Attorneys' Fees and Costs, and the Court having heard the argument of
19 counsel, reviewed the motion papers and the records and files herein, including:

- 20 1. Plaintiffs' Motion for Attorneys' Fees and Costs;
- 21 2. The Declaration of Mark DeCoursey in Support of Plaintiffs' Motion for
- 22 Attorneys' Fees and Costs with exhibits attached thereto;
- 23 3. Declaration of Brent L. Nourse in support of Plaintiffs' Motion for Attorneys'
- 24 Fees and Costs, and exhibits attached thereto;
- 25 4. Defendants' Opposition to Plaintiffs' Motion for Attorneys' Fees and Costs;
- 26

ORDER GRANTING PLAINTIFFS' MOTION FOR
FEES - 1

CAUSE NO. 06-2-24906-2 SEA

123057.0001/1645458.1

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206.223.7000 FAX: 206.223.7107

1 5. Plaintiffs' Reply in Support of Plaintiffs' Motion for Attorneys' Fees and Costs;
2 and
3 6. the Supplemental Declaration of Brent L. Nourse in Support of Attorneys' Fees
4 and Costs.

5 NOW THEREFORE, the Court FINDS:

- 6 1. The Order on Plaintiffs' Motion for Protective Order dated August 23, 2007
7 does not prohibit or otherwise waive Plaintiffs' rights to recover attorneys' fees
8 and costs under RCW 19.86, *et seq.* or upon any other basis in law or equity;
- 9 2. Plaintiffs are entitled to recover from Defendants reasonable attorneys' fees
10 and costs under RCW 19.86, *et seq.*;
- 11 3. This matter arose from the purchase and sale of a certain house which was the
12 subject of a Purchase and Sale Agreement between Plaintiffs and Sellers;
- 13 4. Defendants argued they were third-party beneficiaries of the Purchase and
14 Sales Agreement at issue in this lawsuit;
- 15 5. Plaintiffs are entitled to recover attorneys' fees and costs from Defendants
16 under the attorneys' fees clause of the Residential Purchase and Sales
17 Agreement that was at issue in this lawsuit;
- 18 6. The number of hours expended by Plaintiffs' attorneys in prosecution of their
19 claims against Defendants were reasonable;
- 20 7. The billing rates of Plaintiffs' attorneys in prosecution of their claims against
21 Defendants were reasonable;
- 22 8. Upon examining the records submitted with Plaintiffs' motion, it would be
23 impracticable to segregate attorney time and fees between proof of claims for
24 breach of fiduciary duties, RCW 18.86, *et seq.*, and violations of RCW 19.86, *et*
25 *seq.*;
- 26 9. Plaintiffs are entitled to recover attorneys' fees and costs from Defendants in

ORDER GRANTING PLAINTIFFS' MOTION FOR
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1 the amount of \$462,985-

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

- 3 1. Plaintiffs' Motion for Attorneys' Fees and Costs is GRANTED.
- 4 2. Defendants are joint and severally liable to Plaintiffs for attorneys' fees and
- 5 costs in the amount of \$508,427-

6


7 DONE IN OPEN COURT this 6 day of February, 2009.

8 
9 HONORABLE MICHAEL J. FOX

10 Presented by:

11 LANE POWELL PC

12

13 By 
14 Brent L. Nourse, WSBA No. 32790
15 Andrew J. Gabel, WSBA No. 39310
16 Abraham K. Lorber, WSBA No. 40668
17 Attorneys for Plaintiffs Mark and Carol DeCoursey.

18 Agreed as to form;
19 Presentation waived by:

20 DEMCO Law Firm, P.S.

21

22 By _____
23 Matthew F. Davis, WSBA No. 20939
24 L'Nayim Shuman-Austin, WSBA No. 30505
25 Attorneys for Defendants

26

ORDER GRANTING PLAINTIFFS' MOTION FOR
FEES - 3

CAUSE NO. 06-2-24906-2 SEA

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