

EXP07

FILED
KING COUNTY, WASHINGTON

NOV - 3 2011

DEPARTMENT OF
JUDICIAL ADMINISTRATION

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY**

V&E MEDICAL IMAGING SERVICES, INC. a
Washington corporation, dba AUTOMATED
HOME SOLUTIONS,

Plaintiff,

V.

MARK DECOURSEY and CAROL
DECOURSEY, husband and wife, individually
and the marital community composed thereof

Defendants/Third-Party Plaintiffs

V.

PAUL H. STICKNEY, PAUL H. STICKNEY
REAL ESTATE SERVICES, INC.,
WINDERMERE REAL ESTATE / S.C.A. INC.

3rd Party Defendants

No. 06-2-24906-2 SEA

**AMENDED FINAL JUDGMENT
[Proposed]**

JUDGMENT SUMMARY

1. JUDGMENT CREDITORS: Mark and Carol DeCoursey
2. JUDGMENT CREDITORS' ATTORNEY: Michele Earl-Hubbard
3. JUDGMENT DEBTOR: Paul H. Stickney, Paul H. Stickney Real Estate Services, Inc., Windermere Real Estate / S.C.A. Inc.
4. ATTORNEY FOR JUDGMENT DEBTOR: William Hickman and Pamela A. Okano

- 1 5. DAMAGES: \$522,200.00
- 2 6. ATTORNEYS' FEES AT TRIAL COURT LEVEL: \$463,427.00
- 3 7. COSTS AT TRIAL COURT LEVEL: \$650.00
- 4 8. ATTORNEY'S FEES FROM DIVISION ONE COURT OF APPEALS: \$47,000.00
- 5 9. COSTS FROM DIVISION ONE COURT OF APPEALS: \$600.61
- 6 10. ATTORNEY'S FEES FROM WASHINGTON STATE SUPREME COURT:
- 7 \$11,945.50
- 8 11. COSTS FROM WASHINGTON STATE SUPREME COURT: \$33.39
- 9 12. TOTAL AMOUNT OF INTEREST OWED TO DATE OF AMENDED FINAL
- 10 JUDGMENT AT 5.25% FROM 10/31/08 TO 11/2/11: \$165,172.14
- 11 13. TOTAL JUDGMENT INCLUDING COSTS, ATTORNEY'S FEES AND
- 12 INTEREST TO DATE: **\$1,211,028.64**
- 13 14. Judgment to bear interest at 5.25% per annum.

14 **JUDGMENT**

15 This matter was tried by a jury of twelve from October 21, 2008, to October 29, 2008, the

16 Honorable Michael J. Fox presiding. Defendant and Third-Party Plaintiffs Mark and Carol

17 DeCoursey ("DeCourseys") appeared through their attorneys of record. Third-party Defendants

18 Paul H. Stickney, Paul H. Stickney Real Estate Services, Inc., and Windermere Real Estate/SCA,

19 Inc., appeared through their attorneys of record. The parties presented evidence and testimony to

20 the jury. On October 31, 2008, the jury rendered a verdict in favor of the DeCourseys on their

21 claims for Breach of Fiduciary Duty in the amount of \$515,900, and the jury returned a verdict

22 in favor of the DeCourseys on their claim for violation of the Washington Consumer Protection

23 Act in the amount of \$6,300, for a total amount of damages of \$522,200. A copy of the jury's

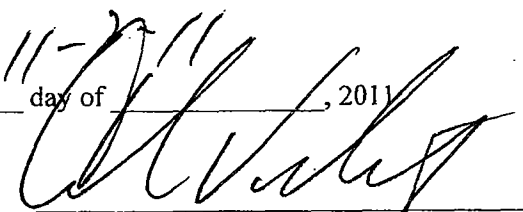
24 verdict in this action is attached as **Exhibit A**.

1 The trial court awarded the DeCourseys attorney's fees of \$463,427.00. The trial court
 2 also awarded costs to the DeCourseys of 45,442.00. Third-party Defendants appealed the matter
 3 to the Division One Court of Appeals. The Division One Court of Appeals affirmed the jury's
 4 verdict and the trial court's fee award. Division One reversed the cost award and remanded for a
 5 corrected calculation of costs. A true and correct copy of the Division One Opinion is attached
 6 hereto as **Exhibit B**. Division One awarded the DeCourseys fees of \$47,00.00 and costs of
 7 \$600.61. A true and correct copy of the Division One Order is attached hereto as **Exhibit C**.
 8 Third-party Defendants filed a Petition for Review with the Washington State Supreme Court
 9 which was denied. The Washington State Supreme Court awarded the DeCourseys \$11,945.50
 10 and costs of \$33.39. A true and correct copy of the Supreme Court's Order is attached hereto as
 11 **Exhibit D**.

12 The parties through their respective counsel agreed to enter an amended final judgment in
 13 this matter pursuant to the terms stated in the Judgment Summary above. The parties have
 14 agreed to interest from 10/31/08 until paid at 5.25% per annum and accrued interest through
 15 11/2/11 in the amount of \$165,172.14, and costs to be awarded at the trial court level of \$650.

16 Consistent with the above and the parties' agreement, now therefore it is
 17 ORDERED, ADJUDGED AND DECREED that Judgment Creditors Mark and Carol
 18 DeCoursey are awarded a total judgment including costs, attorneys' fees, and interest to date
 19 (11/2/11) of \$1,211,028.64 to be paid by Paul H. Stickney, Paul H. Stickney Real Estate
 20 Services, Inc., and Windermere Real Estate / S.C.A. Inc. with the Judgment to bear interest at
 21 5.25% per annum.

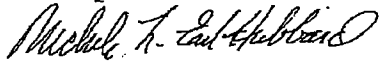
22 DONE IN OPEN COURT this 11-2-11 day of November, 2011

23 
 24 King County Superior Court Judge/Commissioner

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Presented by:

ALLIED LAW GROUP



Michele Earl-Hubbard, WSBA #26454
Attorneys for Defendant and third-party Plaintiffs Mark and Carol DeCoursey

Approved as to Form and Notice of Presentment Waived

REED MCCLURE



William Hickman, WSBA #1705
Pamela A. Okano WSBA # 7718
Attorneys for Third-party Defendants