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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

LANE POWELL, PC,

Plaintiff,

v.

MARK AND CAROL DeCOURSEY,

Defendants

NO. 11-2-34596-3 SEA

ORDER DENYING

DEFENDANTS' MOTION TO

VACATE AND RECUSE

(CLERK'S ACTION REQUIRED)

This matter is before the Court on Defendants' Motion to Vacate and Recuse noted for September 4, 2012. This motion was filed on August 9, 2012, originally noted for hearing on August 14, 2012, and accompanied by a Motion to Shorten Time, which was also noted for hearing on August 14, 2012. Plaintiff filed an objection to the motion to shorten time and argued that the underlying motion should be heard on a schedule that complied with the notice requirements for motions under civil and local rules. Defendants' Motion to Shorten Time was denied, and the underlying motion was not heard on August 14, 2012. On August 27, 2012 Defendants re-noted the Motion to Vacate and Recuse for hearing on September 4, 2012, and that motion is now before the court.

This case, *Lane Powell v. DeCoursey*, involves Plaintiff law firm's claim that Defendants have not paid the fees due Plaintiff for legal services rendered in a lawsuit involving Windermere Real Estate Company. Defendants, while they were being

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1 represented by Plaintiff, prevailed in that lawsuit and received a judgment in their favor
2 that has now been satisfied as between Windermere and the parties to this action and
3 concerning which all appellate remedies have been exhausted. As Plaintiff points out,
4 both the Plaintiff and Defendants in this case were adverse to Windermere in the
5 previous action.

6 Plaintiff's complaint in the case before this court makes no claims for relief from
7 Windermere, nor does the Defendants' comprehensive and detailed Answer, Affirmative
8 Defenses and Counterclaims. The present case was when filed, and remains today, an
9 action brought by a law firm against a former client that it contends is obligated to it for
10 unpaid fees. Windermere is not now, and never has been a party to this action.

11 Defendants Motion to Vacate and Recuse is DENIED.

12 DATED this 5th day of SEPTEMBER, 2012

13 **RICHARD D. EADIE**

14 RICHARD D. EADIE, JUDGE