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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAR 29 2004

JAMES R. LARSEN, CLERK

DEPUTY  
RICHLAND, WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**IN RE RIVER PARK SQUARE  
PROJECT BOND LITIGATION.**

NO. CS-01-0127-EFS

**ORDER GRANTING RIVER PARK  
SQUARE, LLC AND RPS II, LLC'S  
MOTION TO PERMIT WITHERSPOON  
KELLEY TO CONTINUE AS COUNSEL  
FOR TRIAL AND DENYING  
ALTERNATIVE MOTION FOR LEAVE  
TO WITHDRAW**

On March 25, 2004, the Court conducted a motion hearing in the above-captioned matter. At the hearing, the Court considered River Park Square, LLC and RPS II, LLC's Motion to Permit Witherspoon Kelley to Continue as Counsel for Trial, or in the Alternative, for Leave to Withdraw, (Ct. Rec. 1750-1 and 1750-2). In the motion, counsel for River Park Square, LLC and RPS II, LLC argue they are required to either withdraw or seek leave of the Court to continue as trial counsel because witnesses at trial are shareholders in their law firm, Witherspoon, Kelley, Davenport & Toole, P.S ("Witherspoon Kelley"). The parties were represented as set forth in the minutes of the hearing, (Ct. Rec. 1753). In response to the Court's inquiry concerning Witherspoon Kelley continuing as counsel for trial, no party offered an objection. After reviewing the motions, memoranda,

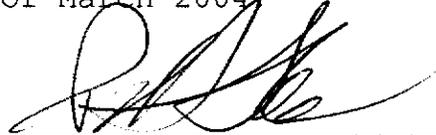
1 and applicable case law, the Court was fully informed. Accordingly,

2 **IT IS HEREBY ORDERED:**

3 1. River Park Square, LLC and RPS II, LLC's Motion to Permit  
4 Witherspoon Kelley to Continue as Counsel for Trial, (Ct. Rec. 1750-  
5 1), is **GRANTED**.

6 2. River Park Square, LLC and RPS II, LLC's Alternative Motion  
7 for Leave to Withdraw, (Ct. Rec. 1750-2), is **DENIED**.

8 **DATED** this 29<sup>th</sup> day of March 2004

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12 EDWARD F. SHEA  
13 United States District Judge

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