

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

JUL 20 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 DENYING CITY'S MOTION TO  
STRIKE AS MOOT**

Subsequent to receipt of the Notice of Election, (Ct. Rec. 1893), filed by the City on June 25, 2004, in which it elected to seek dismissal of the claims against remaining non-settling Defendants and seek contribution as part of its settlement with the Plaintiffs and Intervening Plaintiffs, the RPS Defendants filed a Suggestion of Mootness in which several other Defendants joined, (Ct. Rec. 1904). The City responded with a Motion to Strike, (Ct. Rec. 1905), and a Memorandum in Support (Ct. Rec. 1906) and set it for hearing in August. The Court has reviewed the referenced pleadings and having entered an Order Finding Settlements of Walker and Foster Pepper Reasonable, (Ct. Rec. \_\_\_\_ ) on July 20, 2004, now strikes the hearing date on the City's related Motion to Strike and denies the same as MOOT. Accordingly,

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1 IT IS HEREBY ORDERED:

2 The City's Motion to Strike (Ct. Rec. 1905) is hereby denied as  
3 MOOT. The hearing set for August 6, 2004 without oral argument is  
4 STRICKEN.

5 IT IS SO ORDERED.

6 The District Court Executive is directed to enter this Order and  
7 to furnish copies to all counsel.

8 DATED this 20<sup>th</sup> day of July 2004.

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EDWARD F. SHEA  
United States District Judge