

JUL 27 2004

JAMES R. LARSEN, CLERK
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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 CITY'S MOTION
FOR FINDING OF NON-DISCHARGE
OF NON-SETTLING DEFENDANTS

On July 20, 2004, the Court issued an Order Regarding Motion Related to Settlement of Plaintiffs' Claims, (Ct. Rec. 1914). In the Order, the Court **WITHHELD IN ABEYANCE** a ruling on the City's Motion for Finding of Non-Discharge of Non-Settling Defendants, (Ct. Rec. 1833), finding:

[I]n light of the recent election of the City to pursue contribution, the Court will defer ruling on the issue of whether the discharge of Foster Pepper acts to discharge Prudential in order that Prudential, or such other NSDs who may wish to do so, may for no more than a total of ten (10) minutes state positions on this issue given the current posture of the case during the July 21, 2004, conference. The City may have a like amount of time to respond.

(Ct. Rec. 1914, P. 10-11). On July 21, 2004, the Court conducted a conference in the above-captioned matter. At the hearing, Laurel Siddoway appeared on behalf of the City of Spokane, Ralph Cromwell, Jr., appeared on behalf of Foster Pepper Shefelman PLLC ("Foster Pepper"), and Chris Oldham appeared on behalf of Prudential. The other parties were represented as reflected in the Court's Civil

1 Minutes, (Ct. Rec. 1919).

2 At the hearing, Prudential, Foster Pepper, and the City reached a
3 consensus that given the City's election to pursue contribution
4 instead of assignment of Plaintiffs' and Intervening Plaintiffs'
5 claims, (Ct. Rec. 1893), the settlement and release of Foster Pepper
6 does not discharge any other Defendant from liability.

7 Accordingly,

8 **IT IS HEREBY ORDERED:**

9 1. The City's Motion for Finding of Non-Discharge of Non-
10 Settling Defendants, (Ct. Rec. 1833), is **GRANTED**.

11 2. The settlement and release of Foster Pepper does not
12 discharge any other Defendant from liability.

13 **IT IS SO ORDERED.** The District Court Executive is directed to
14 enter this Order and to furnish copies to counsel

15 **DATED** this 27th day of July, 2004.

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18 EDWARD F. SHEA
19 United States District Judge

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