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OCT 17 2002

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
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OCT 18 2002

By Deputy

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OCT 15 2002

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY _____ DEPUTY

The Honorable ROBERT J. BRYAN

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CHRISTI RUST, et al.,

Plaintiffs,

v.

WESTERN STATE HOSPITAL, et al.,

Defendants.

NO. C00-5749(FDB)RJB

RELEASE AND STIPULATED
ORDER DISMISSING
PLAINTIFFS' PETITIONS FOR
ATTORNEYS' FEES

16 For and in consideration of Defendants' agreement to pay \$526,863.49 in attorneys'
17 fees and costs in the above-referenced matter as set forth below, Plaintiffs Christi Rust, et al.,
18 and Washington Protection and Advocacy System (WPAS) and their attorneys, WPAS, Davis
19 Wright Tremaine LLP and Keri Gould, do hereby release and forever discharge Defendants
20 Western State Hospital, the Department of Social and Health Services, the State of
21 Washington, Governor Gary Locke, Secretary Dennis Braddock, Jan Gregg, Ira Klein, Darryl
22 Hamilton, Karl Brimner, and Martin Brown and their successors, officers, agents, agencies and
23 departments from any and all claims for attorneys' fees, costs and expenses incurred in the
24 course of the above-captioned matter, as alleged in Plaintiffs' pending requests for fees and
25
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230

1 costs, and/or as otherwise incurred by the Plaintiffs and their counsel in this matter through the
2 date of entry of this Order.

3 Plaintiffs and their counsel further agree to dismiss the pending fee petitions with
4 prejudice.
5

6 The release is not an admission by Defendants of any liability for fees or with respect to
7 claims in the underlying action.

8 In agreeing to this settlement, Plaintiffs and their counsel do not waive, compromise, or
9 settle any future claims they may accrue for attorneys' fees or costs, based on any further
10 actions taken under this cause (e.g., a future motion to enforce the Court's Order of September
11 28, 2001 in the underlying litigation). Further, this release is not an admission by Defendants
12 that Plaintiffs are or could be legally entitled to fees or costs incurred in any further action
13 under this cause, nor does it waive any defenses or other arguments that Defendants might
14 have in opposition to a request for such fees or costs from the Plaintiffs.
15

16 The undersigned hereby declare that the terms of this release and settlement agreement
17 are completely read, wholly understood and voluntarily accepted for the purpose of making a
18 full and final compromise, adjustment and settlement of any claims for attorneys' fees and
19 costs in this matter.
20

21 Accordingly, the Court does hereby **ORDER**:

22 1. Defendants shall pay Plaintiffs the amount of \$526,863.49 in attorneys' fees
23 and costs. Such payment shall be made to WPAS on or before October 31, 2002.

24 2. Plaintiffs' application for fees and costs, filed with this Court on March 29,
25 2002 and Plaintiffs' second and third applications filed on April 5, 2002 and June 21, 2002,
26

1 respectively are dismissed with prejudice. Defendants are released from attorneys'
2 fees and costs as stipulated above.

3 3. This Court shall retain jurisdiction over the implementation of the settlement of
4 the underlying claims in this action, as fully set forth in this Court's Order of September 28,
5 2001.

6
7 DATED this 17 day of October, 2002.

8
9 
10 ROBERT J. BRYAN
United States District Court Judge

11 Presented by:

12 **CHRISTINE O. GREGOIRE**
13 **Attorney General**

14 Allison Stanhope WSBA # 30486
15 PAMELA H. ANDERSON, WSBA# 21835
16 Assistant Attorney General
Attorneys for Defendants

17 By: Telephonic Approval on 10-10-02
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25
26 Attorneys for Plaintiffs

PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

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Hand delivered by _____

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 11th day of October, 2002, at Lacey, WA.



Rose Sampson, Legal Assistant

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