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The Honorable John R. Hickman  
FILED  
DEPT. 22  
IN OPEN COURT  
APR 20 2012  
Pierce County Clerk  
By..... DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN DOLAN and a class of similarly situated individuals, )  
 )  
 ) NO. 06-2-04611-6  
 )  
 ) Plaintiffs, )  
 )  
 ) v. )  
 ) STIPULATION & ORDER REGARDING  
 ) EHB 2771  
 )  
 ) KING COUNTY, a political subdivision of )  
 ) the State of Washington, )  
 )  
 )  
 ) Defendant. )

STIPULATION

The parties, by and through their undersigned counsel of record, respectfully request the Court issue an order containing the parties' stipulation regarding EHB 2771, set forth below.

1. The Washington legislature passed Engrossed House Bill 2771 ("EHB 2771") on March 3, 2012. The parties expect EHB 2771 to be signed and to become effective.

2. EHB 2771 provides that it "does not affect the state supreme court decision in *Dolan v. King County*, Cause No. 82842-3, and the right established therein of King County public defenders and staff to public employees' retirement system enrollment and eligibility." EHB 2771 § 1(6).

3. Counsel for King County and counsel for the Class agree that King County will not raise the provisions of EHB 2771 as a defense to the claims alleged in this lawsuit by:

COPY

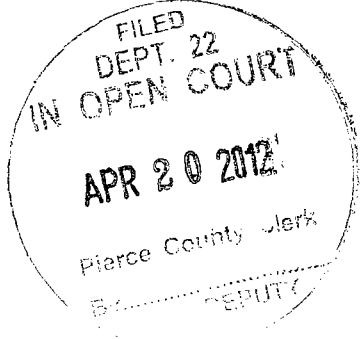
1 (1) Plaintiff and the plaintiff class members. The class members are,  
2 (a) Current and future employees of the King County public defense  
3 agencies (“Group 1” of the certified class in the Court’s Order to Obtain Information); and  
4 (b) Employees of the King County public defense agencies who are no  
5 longer employed by one of the King County public defense agencies, but were employed by  
6 them at some time between January 29, 2003 and the present; “Group 2” of the certified class  
7 in the Court’s order to obtain information); and

8 (2) The “reserved group,” to the extent this Court later determines that the “reserved  
9 group” should be added to the Class. The Court’s Order Granting Class Certification dated  
10 September 15, 2006 defined the “reserved group” as “All W-2 employees of the King County  
11 public defense agencies and any former or predecessor King County public defense agencies  
12 who have not worked for one of the King County public defense agencies within three years of  
13 the filing of this lawsuit but who work or have worked in a PERS-eligible position within three  
14 years of the filing of this lawsuit.”

15 **ORDER**

16 This matter having come before the Court on the parties’ stipulation and good cause  
17 having been shown,

18 IT IS SO ORDERED.  
19 DATED this 17 day of April, 2012.



20  
21 **JOHN R. HICKMAN**  
22 \_\_\_\_\_  
23 The Honorable John R. Hickman

1 Stipulation Approved, Order Presented By:

2 BENDICH, STOBAUGH & STRONG, P.C.

3 

4 David F. Stobaugh, WSBA #6376  
Lynn S. Prunhuber, WSBA #10704  
5 Stephen K. Strong, WSBA #6299  
701 Fifth Avenue, Suite 6550  
6 Seattle, Washington 98104  
Phone: 206-633-3536

7 *Attorneys for Plaintiff & the Class*

8 Stipulation Approved; Order Approved For Entry:

9 FOSTER PEPPER PLLC

10 

11 Tim J. Filer, WSBA #16285  
12 P. Stephen DiJulio, WSBA #7139  
Kathryn Carder McCoy, WSBA No. 38210  
13 *Attorneys for King County*

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