

1 Honorable David Gregerson
2 Noted for Consideration: January 29, 2016 @ 9:00 a.m.
3 **Oral Argument Set**

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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
8 IN AND FOR THE COUNTY OF CLARK

9 JOHN LEY, an individual, et al.,
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11 Plaintiffs,
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13 v.
14 CLARK COUNTY PUBLIC
15 TRANSPORTATION BENEFIT AREA,
16 dba C-TRAN, a Washington Public
17 Transportation Benefit Area, et al.,
18
19 Defendants.

No. 15-2-01144-1

ORDER GRANTING CERTAIN
DEFENDANTS' MOTION FOR
REASONABLE ATTORNEYS'
FEES AND COSTS UNDER CIVIL
RULE 11 FOR CLAIMS AGAINST
THE INDIVIDUAL DEFENDANTS

[PROPOSED]

16 This matter came before the Court on the following defendants' Motion for
17 Reasonable Attorneys' Fees and Costs Under Civil Rule 11 for Claims Against the
18 Individual Defendants (the "Motion"): (1) Clark County Public Transportation Benefit
19 Area ("C-TRAN"); (2) C-TRAN's Board of Directors; (3) Mr. Greg Anderson; (4) Mr.
20 Jack Burkman; (5) Mr. Bart Hansen; (6) Mr. Jim Irish; (7) Mr. Lyle Lamb; (8) Ms.
21 Jennifer McDaniel; (9) Ms. Anne McEnerny-Ogle; (10) Mr. John Shreves; and, (11) Mr.
22 Jeff Hamm (collectively, the "Defendants"). The Court heard oral argument by the parties
23 on December 11, 2015, and on January 29, 2016, and it reviewed and considered the
24 following documents:
25

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FEES AND COSTS UNDER CIVIL RULE 11 FOR
CLAIMS AGAINST THE INDIVIDUAL
DEFENDANTS- 1
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1. Defendants' Motion;
2. Declaration of Michael K. Ryan in Support of the Motion and all supporting exhibits;
3. Plaintiffs' Response to Certain Defendants' Motion for Reasonable Attorneys' Fees and Costs Under Civil Rule 11 for Claims Against the Individual Defendants;
4. Declaration of Damien R. Hall in Support of Plaintiffs' Response to Certain Defendants' Motion for Reasonable Attorneys' Fees and Costs Under Civil Rule 11 for Claims Against the Individual Defendants and all supporting exhibits;
5. Defendants' Reply in Support of Certain Defendants' Motion for Reasonable Attorneys' Fees and Costs Under Civil Rule 11 for Claims Against the Individual Defendants;
6. Certain Defendants' Supplemental Motion for Attorneys' Fees and Costs under Civil Rule 11;
7. Declaration of Thomas H. Wolfendale in Support of Certain Defendants' Supplemental Motion for Attorneys' Fees and Costs under Civil Rule 11 and all supporting exhibits;
8. Declaration of Michael K. Ryan in Support of Certain Defendants' Supplemental Motion for Attorneys' Fees and Costs under Civil Rule 11 and all supporting exhibits;
9. Plaintiffs' Supplemental Opposition, if any;
10. All declarations and materials in support of Plaintiffs Supplemental Opposition, if any; and

1 11. The pleadings and papers on file in this matter.

2 Now, therefore, the Court hereby finds the following:

- 3 1. The claims brought against Mr. Greg Anderson, Mr. Jack Burkman, Mr. Bart
4 Hansen, Mr. Jim Irish, Mr. Lyle Lamb, Mr. David Madore, Ms. Jennifer
5 McDaniel, Ms. Anne McEnery-Ogle, Mr. John Shreves, Ms. Jeanne Stewart,
6 Ms. Connie Jo Freeman, and Mr. Jeff Hamm (collectively, the "Individual
7 Defendants") were not grounded in law or fact.
- 8 2. At the time plaintiffs filed their complaint, and throughout this litigation,
9 plaintiffs and their counsel possessed, or could have discovered through a
10 reasonable inquiry, information establishing that the claims against the
11 Individual Defendants were not grounded in law or fact.
- 12 3. Plaintiffs failed to conduct a reasonable inquiry into the law or the facts despite
13 signing the following pleadings and papers that advanced the claims against
14 the Individual Defendants: (a) the Complaint; (b) the First Amended
15 Complaint; and (c) Plaintiffs' Response to Certain Defendants' Rule 12(b)(6)
16 Motion to Dismiss.
- 17 4. Defendants' request for \$32,249.95 in attorneys' fees is reasonable. The
18 hourly rates charged and time expended by K&L Gates LLP were reasonable
19 in this case, particularly given the experience of counsel. The Court finds that
20 an award of \$22,499.68 is warranted for attorneys' fees related to defending
21 against the sanctioned claims. The Court further finds that an award of
22 \$9,750.27 in attorneys' fees is warranted for work related to bringing the
23 Motion. Another \$117.94 is warranted for costs associated with the Motion.

24 Accordingly, the Court hereby ORDERS as follows:

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DEFENDANTS- 3

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1. Defendants' Motion pursuant to CR 11 is GRANTED. Sanctions are appropriate for Plaintiffs' claims against the Individual Defendants.
2. Plaintiffs' counsel and/or Plaintiffs shall pay Defendants \$32,249.95 in reasonable attorneys' fees and \$117.94 in reasonable costs for violating Civil Rule 11. This liability of Plaintiffs and their counsel to Defendants is joint and several.

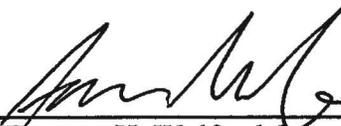
IT IS SO ORDERED.

ENTERED this ____ day of _____, 2015.

The Honorable David E. Gregerson

Presented by:

K&L GATES LLP

By 

Thomas H. Wolfendale, WSBA # 3776

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Lyle Lamb, Jennifer McDaniel,

Anne McEnery-Ogle, John Shreves, Jeanne

Stewart and Jeff Hamm

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