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FILED

AUG 18 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

THOMAS SILVER, an individual and all
those similarly situated,

Plaintiff,

vs.

RUDEEN MANAGEMENT COMPANY,
INC., a Washington corporation,

Defendant.

Case No.: 17-2-03103-2

AGREED
~~PROPOSED~~ ORDER OF DEFAULT
AND DISCOVERY SANCTIONS

THIS MATTER, having come on regularly for hearing by the Court on Plaintiff's
Motion for Order of Default and Discovery Sanctions, and the Court making findings and orders
as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Defendant Rudeen is in violation of this Court's prior Orders compelling production,
imposing sanctions, and directing Defendant to provide names and contact information
for Class Members;
2. Defendant Rudeen is liable for violating RCW 59.18.280 in the case of the class
representative, Mr. Silver, for failure to provide a full and specific statement of the basis

[PROPOSED] ORDER OF DEFAULT AND
DISCOVERY SANCTIONS - 1

Kirk D. Miller, P.S.
421 W. Riverside Ave., Ste 660
Spokane, WA 99201
(509) 413-1494

- 1 for retaining his security deposit within the statutorily allowable time.
- 2 3. Plaintiff Thomas Silver is entitled to two times the amount of his security deposit, plus
- 3 interest thereon at 12 percent, from 14 days after his tenancy terminated, through the date
- 4 on which the funds are paid.
- 5 4. Defendant Rudeen violated RCW 59.18.280 with respect to all of its former tenants
- 6 during the class period (the "class members"), and that the class members are therefore
- 7 entitled to damages in this action in the amount of two times the amount of their security
- 8 deposits, plus interest thereon at 12 percent from the date of termination of their tenancy.
- 9 5. The conditions prerequisite to entry of judgment by default pursuant to CR37(b)(2)(c)
- 10 have been met.
- 11 6. The Court prior Orders compelling Defendant Rudeen to provide the requested discovery
- 12 and imposing sanctions of \$200 per day until the discovery is provided not been complied
- 13 with.

14 **II. ORDER**

15 IT IS HEREBY ORDERED that:

- 16 1. Defendant Rudeen Management Company, Inc., is in default.
- 17 2. The Court establishes as presumptive class consisting of all former tenants from three
- 18 (3) years prior to commencement of this action through the date of class certification.
- 19 3. Defendant Rudeen is liable to the members of the presumptive class in the amount of
- 20 two (2) times each former tenant's security deposit.
- 21 4. Defendant Rudeen is compelled to file evidence and briefing for each class member it
- 22 argues is not entitled to damages (e.g. the entire deposit was returned timely) within

- 1 14 days of entry of this Order, or otherwise waive any such argument.
- 2 5. P&N is appointed as class administrator.
- 3 6. Defendant Rudeen is directly to pay all costs of the class administration within 10 days of
- 4 receiving an invoice for class administration services rendered by P&N.
- 5 7. The daily sanction for Rudeen's continuing failure to comply with the Court's prior
- 6 discovery orders is increased to \$2000.00 per day beginning from the date of this Order,
- 7 payable to the Spokane County Bar Association's Volunteer Lawyers Program.
- 8 8. The Court grants such other and further relief as it deems just and equitable, specifically:

9 _____

10 _____

11

12 ENTERED this 15 day of AUG, 2023.


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14 
HONORABLE JACQUELYNE HIGH-EDWARD


15 Presented by:

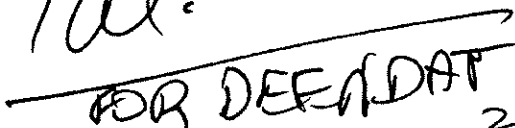
16 KIRK D. MILLER, P.S.

Jacquelyn High-Edward

17 
Kirk D. Miller, WSBA #40025

19 Attorney for Plaintiff

20 

21 
FOR DEEDAT 22981

23 [PROPOSED] ORDER OF DEFAULT AND
24 DISCOVERY SANCTIONS - 3

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CERTIFICATE OF SERVICE

I hereby declare upon penalty of perjury under the laws of the state of Washington that on the date stated below I served a copy of this document in the manner indicated:

Timothy Durkop
2906 N. Argonne Rd.
Spokane Valley WA 99212

- ☐ First Class U.S. Mail
☐ E-Mail: tim@durkoplaw.com
tim@ewacollect.com
☐ Hand Delivery
☐ Next Day Air

DATED this ____ day of August, 2023.

Teri A. Brown, Paralegal