

1 CN: 201702031032

2 **SN: 112**

3 **PC: 4**

4 **FILED**

5 **AUG 18 2023**

6 **TIMOTHY W. FITZGERALD**  
7 **SPOKANE COUNTY CLERK**

8 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
9 **IN AND FOR THE COUNTY OF SPOKANE**

10 THOMAS SILVER, an individual and all )  
11 those similarly situated, ) Case No.: 17-2-03103-2  
12 Plaintiff, )  
13 vs. ) **AGREE**  
14 RUDEEN MANAGEMENT COMPANY, ) **[PROPOSED] ORDER OF DEFAULT**  
15 INC., a Washington corporation, ) **AND DISCOVERY SANCTIONS**  
16 Defendant. )

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

20 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

21 1. Defendant Rudeen is in violation of this Court's prior Orders compelling production,  
22 imposing sanctions, and directing Defendant to provide names and contact information  
23 for Class Members;  
24 2. Defendant Rudeen is liable for violating RCW 59.18.280 in the case of the class  
25 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.

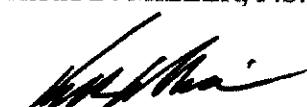
8 8. The Court grants such other and further relief as it deems just and equitable, specifically:

9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_

12 ENTERED this 19 day of Aug, 2023.

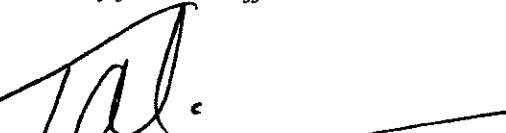
13  
14   
15 HONORABLE JACQUELINE HIGH-EDWARD  
16 *Jacquelyn*

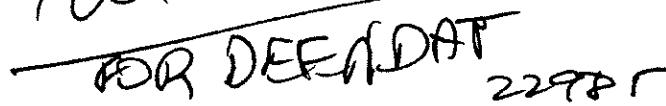
17 Presented by:

18   
19 Kirk D. MILLER, P.S.

20   
21 Jacquelyn High-Edward

22 Kirk D. Miller, WSBA #40025

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24 Attorney for Plaintiff

25   
26 FOR DEFENDANT  
27 22985  
28 [PROPOSED] ORDER OF DEFAULT AND  
29 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](mailto:tim@durkoplaw.com)  
[tim@ewacollect.com](mailto:tim@ewacollect.com)
- Hand Delivery
- Next Day Air

DATED this \_\_\_\_ day of August, 2023.

Teri A. Brown, Paralegal

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